

Liberty Development and Production Plan

Public Hearings

Barrow

2001

1 UNITED STATES DEPARTMENT OF THE INTERIOR
2 MINERALS MANAGEMENT SERVICE
3 ALASKA OCS REGION
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7 OFFICIAL TRANSCRIPT - PUBLIC HEARING
8 DRAFT ENVIRONMENTAL IMPACT STATEMENT
9 FOR LIBERTY DEVELOPMENT AND PRODUCTION PLAN
10 OCS EIS/EA MMS 2001-001

11
12 Barrow, Alaska
13 Wednesday, March 21, 2001
14 7:20 o'clock p.m.
15

16
17 MINERALS MANAGEMENT SERVICE PANEL MEMBERS

18 Mr. Paul Stang, Regional Supervisor for Leasing
19 and Environment

20 Mr. Fred King, Project Manager

21 Mr. Albert Barros, Community Liaison

22 Mr. Richard Carl, Recorder

23 Translator services provided by Martha Hopson, Barrow, Alaska.

24 Proceedings recorded by electronic sound recording. Transcript
25 produced by transcription service.

1 BARROW, ALASKA - WEDNESDAY, MARCH 21, 2001

2
3 (Tape No. 1 of 4)

4 (On record at 7:20 p.m.)

5 HEARING OFFICER: Before we do introductions, I'd
6 like Kenneth, if you would, please, to lead us with a little
7 prayer to start.

8 MR. HOPSON: Yeah, thank you for asking me. More
9 than willing to have a prayer. It's real important, and we all
10 understand it. Trying to do it in our own way, sometimes it
11 makes it hard for everybody. So let's ask our Great Leader.

12 (Prayer in Inupiat)

13 MR. HOPSON: Amen.

14 GROUP COLLECTIVELY: Amen.

15 HEARING OFFICER: Thank you. Thank you, Kenneth.
16 While we're waiting for the few people who came in to sit down,
17 if any of you have not signed in yet, we certainly would
18 appreciate that you do that.

19 (Pause)

20 HEARING OFFICER: Martha, can you tell whether we
21 should do a translation, from who's here?

22 TRANSLATOR: I don't think so.

23 HEARING OFFICER: Okay.

24 TRANSLATOR: Translation?

25 HEARING OFFICER: Let me ask, generally speaking, is

1 it necessary for Martha to translate for anyone here who is in
2 the room? We are most willing to do that.

3 UNIDENTIFIED MALE SPEAKER: No.

4 HEARING OFFICER: We're willing to do that, and
5 Martha's right here, but it will take us twice as long if
6 Martha translates. We'd love to hear her, but.....

7 UNIDENTIFIED MALE SPEAKER: That'd be good. I mean,
8 we don't need to, I don't think.

9 HEARING OFFICER: We're okay at the moment.

10 UNIDENTIFIED MALE SPEAKER: We're okay.

11 TRANSLATOR: Right now, yeah.

12 HEARING OFFICER: Great. If that changes, please let
13 us know right away. Good.

14 My name is Paul Stang. I'm with the Minerals
15 Management Service in Anchorage, and the purpose of us being
16 here is to take your testimony and to answer any questions you
17 may have regarding the Draft Environmental Impact Statement for
18 the proposed Liberty Project in Foggy Island Bay. And I would
19 like to have this meeting not be a formal hearing in the sense
20 that we just sit here and listen to your testimony, but we are
21 available here to answer questions, if you would like to. If
22 you would prefer just to give your testimony and sit down,
23 that's fine too. If you would like to have a discussion, we
24 can accommodate that too.

25 So we're here to be as flexible and hold this in any

1 way that's most suitable to gather and understand each other
2 and what you have -- what your viewpoints are and what you'd
3 like to say.

4 Also, you may want to address a witness. That is, if
5 someone gives testimony, I'm going to ask, after they finish,
6 if they are willing to take questions. It's their -- fully up
7 to them, if they're willing to take questions or not. And if
8 they're not, that's fine. But if -- so I'll ask after each
9 person gives their testimony if they would like to entertain
10 any questions, if there are any. That way, I think we can have
11 a better and more interactive meeting, which is what I'd like
12 as a goal.

13 I have here at the table a number of people from --
14 what happened to Tom? Are you just going to stay there for
15 this round? All right.

16 MR. LOHMAN: I'm very comfortable.

17 HEARING OFFICER: You're much more comfortable there.
18 All right. I was going to say, we have federal and local
19 representatives, but the fact of the matter is, everyone here
20 is federal.

21 And the people here at the table with me are Fred
22 King, who is the Project Manager for the Liberty Draft
23 Environmental Impact Statement. And on my right, right is Mike
24 Holley, who's with the Corps of Engineers, and then Larry
25 Bright, who's with Fish and Wildlife Service, and Ted Rockwell,

1 who's with EPA.

2 There are three agencies that are what we call
3 cooperating agencies. These are the agencies that will
4 actually sign off on the final Environmental Impact Statement.

5 And that's MMS, the Corps of Engineers, and EPA. We have also
6 other agencies that are participating agencies that attend some
7 of the meetings and participate in some of the interaction.
8 Fish and Wildlife Service is one of those. The North Slope
9 Borough is another. National Marine Fisheries Service. The
10 State Department of Environmental Coordination (sic). I guess
11 the State -- the Department of Transportation has been
12 involved. The State Pipeline Office. Anybody left out?

13 MR. KING: I don't think so.

14 HEARING OFFICER: I think that's it. The Draft
15 Environmental Impact Statement came out about six weeks ago,
16 and we had originally had -- the comment due date was, I think,
17 March 13th, but that has been extended to April 13th. So what
18 you say here will be recorded. Richard Carl is going to do the
19 transcript for us, and what you say here will be recorded, and
20 any questions you have, or major points you make will be
21 addressed in the Final Impact Statement.

22 Later on, I'm going to -- as we wrap up, Fred will go
23 through the series of events that will occur after today's
24 meeting, the most important of which is that closing comment
25 date of April 13th, and then the issuance of the Final

1 Environmental Impact Statement, which will be late this year or
2 early next.

3 In addition to those here at the table, we have
4 Albert Barros, who's our Community Liaison with MMS, and we
5 have, I think, four people here from BP who can answer
6 questions if you have them. Luke Franklin is somewhere there?

7 Luke. And we have Cash Fay. There is Cash. Dennis Koehler
8 and Sidney Bailey (ph), who you all know, I'm sure. So that's
9 who we are.

10 We asked you to circle a number if you wanted to
11 provide testimony. And as we proceed through, if you have
12 something you'd like to say, just raise your hand and come on
13 up. So we want to keep this rather informal. Are there any
14 questions at this point before we start with the first witness?

15 There is? Yes.

16 UNIDENTIFIED MALE SPEAKER: Can you narrow the
17 parameters down on the subject area?

18 HEARING OFFICER: Good. Good point. What we will --
19 what I'd like Fred King to do is to give you a brief
20 description of the Liberty Project that we're talking about,
21 that we're taking testimony about. And then after that brief
22 description, we could give you more detail, if you'd like,
23 before we start testimony. So I'll turn it over to Fred to do
24 that.

25 MR. KING: The Liberty Project is on a single lease

1 that's owned by British Petroleum. It's in the Foggy Island
2 Bay. It is about five miles due east of the Endicott Satellite
3 drilling island. It's about five miles offshore. It's in 22
4 feet of water. They're proposing to use a gravel island
5 similar to what's at Northstar, and use cement blocks and
6 everything on the bottom part of the island and on the -- up to
7 five feet above the water level. And then there's a 40-foot
8 bench, and that's all lined with cement blocks. And then on
9 the upper part of that island is gravel bags up to a height of
10 15 feet.

11 The island itself, I believe, is approximately five
12 acres surface at the top. They're proposing to drill 23 wells;
13 one of those would be a reinjection well. I think there's 120
14 million barrels of oil, is the estimated amount of petroleum
15 that would be developed there. They're proposing to put in a
16 buried subsea pipeline from the island to shore. That pipeline
17 would be about 6.1 miles. It's a single-wall pipeline similar
18 to what's at Northstar, being proposed for Northstar. Then
19 there would be a mile from the shore crossing to where it would
20 connect into the Badami pipeline. Let's see.

21 HEARING OFFICER: The one thing I would add to that
22 is in preparing the Draft Environmental Impact Statement, we
23 developed a series of alternatives. And basically, they
24 cover -- and I'll give you a quick rundown and Fred can give
25 you the details -- they cover the island location and pipeline

1 route. They cover the burial depth of the pipeline. They
2 cover the design of the pipeline, or some aspects of the design
3 of the pipeline, the mine site for gravel, and the slope
4 protection that's used, whether it be bags or steel plate. I
5 think that's it.

6 You want to go through a little more detail on that?

7 MR. KING: The first set of alternatives we looked at
8 were based on island location and pipeline route. Tern Island
9 is just a little bit off this lease. It is an abandoned
10 exploration island, so there's a considerable amount of gravel
11 there, although it's no longer visible from the surface; it's
12 underwater. That is one location that we looked at because if
13 we use that location, that would minimize the amount of gravel
14 that would be needed to be dug up and moved out.

15 We also looked at another island location, which we
16 tried to move the island as far towards the shore as we could
17 to stay on the lease, and that we're calling the southern
18 island. Then there are two pipeline routes from each of those
19 islands to shore, and they come on shore about a mile further
20 east than the proposed pipeline.

21 In addition to those, from the conversations we had
22 here, the scoping we had here, we looked at an alternative.
23 The proposed burial depth for the pipeline was seven feet
24 minimum cover, so they dig a trench 10 to 11 feet deep, then
25 bury the pipeline for a minimum of seven feet. We look at

1 digging the trench down to 15 feet, which would give us a
2 minimum 11-foot burial cover, to see what benefits that has.

3 We also looked at, as mentioned, the BP proposal is
4 for gravel bags. We look at using the steel sheet pile like
5 they used at Northstar as an alternative for the island
6 construction.

7 We also look at four different pipeline designs. One
8 is the BP proposal, which is the single steel wall, about 12
9 inches in diameter. I think it's .7 inches thick. So it's
10 very similar to what's at Northstar. We look at a steel pipe-
11 in-pipe, to where you would have that same pipe, then covered
12 by another steel pipe, with a space, an annular space in
13 between. We also look at that same steel pipe with a heavy-
14 duty plastic around the outside. And then we use a -- look at
15 a flexible pipeline system, like on a shower head, or shower
16 hose. It's much more industrial, but it's kind of that type of
17 pipe, so it could flex and move.

18 Let's see. What have I left out?

19 HEARING OFFICER: The mine sites?

20 MR. KING: Oh. The mine sites. The proposed mine
21 site that BP has proposed is a mine site on the Kadleroshilik
22 River -- I always murder that. I apologize. We also look at
23 using the Duck Island mine site, which was a mine site that was
24 originally used when they built Endicott. So we look at
25 reopening that mine site up and using it instead of using the

1 proposed one.

2 HEARING OFFICER: Okay. We would be pleased to
3 describe some more in depth if you'd like, or we can start the
4 testimony. If anybody needs more explanation at this time,
5 we'll provide it.

6 MR. OKAKOK: How many million gallons of recoverable
7 oil are we talking about?

8 MR. KING: I believe it's 120, isn't it?

9 MR. OKAKOK: Million barrels?

10 MR. KING: Yeah.

11 HEARING OFFICER: A hundred and twenty million.

12 MR. KING: Million. The life of the project is
13 estimated to be 15 years.

14 MR. OKAKOK: Thank you.

15 HEARING OFFICER: Rex.

16 MR. OKAKOK: Did you get data from Northstar at all
17 when you were developing this project?

18 HEARING OFFICER: Well, I think that BP -- and I'll
19 let BP speak on this topic, but I think BP, in developing their
20 plans for Liberty, used a lot of the information they gained in
21 the design of Northstar. But I don't believe that there was a
22 lot of information that was given to us yet about things that
23 they learned in the construction of Northstar. Is that a fair
24 statement?

25 MR. FRANKLIN: That's correct.

1 HEARING OFFICER: Okay. We do know that the one
2 somewhat innovative element of this proposal that is different
3 than what we have seen before -- well, there are a couple of
4 innovative elements. One is the pipeline that BP designed.
5 The other is this LEOS, L-E-O-S, LEOS sniffer tube which runs
6 alongside the pipeline to detect any small spills. If there
7 was a small leak, a very tiny leak, that the normal mass
8 balance and pressure point analysis that is run on the pipes,
9 if that -- if they weren't able to pick it up, this little LEOS
10 tube should.

11 Now, they have installed this on Northstar, and
12 indeed, it's operating. I think they don't technically call it
13 operational yet, and I'm not quite sure.....

14 MR. FRANKLIN: You're correct.

15 HEARING OFFICER: I'm not quite sure why that's the
16 case, but there is some data being gathered, since it is
17 operating. It is correctly -- am I correct that it's operating
18 24 hours a day?

19 MR. FRANKLIN: Let me tell you why we don't call it
20 operational, first of all.

21 HEARING OFFICER: Say again?

22 MR. FRANKLIN: It is running. We have to keep the
23 unit running so that it doesn't sit stagnant. If it sits
24 stagnant for any period of time, a long period of time, it'll
25 actually start taking on moisture. So it does have air moving

1 through it. It is picking up hydrogen from the cat anodes, the
2 sacrificial anodes, that are running. The reason we don't say
3 it's operational is we need to get the company, MacSiemens (ph)
4 out of Germany, to calibrate, make certain it's working
5 properly, just before we start up the pipeline, which is when
6 it has to be in operation.

7 HEARING OFFICER: Right. But I think the thing that
8 Luke pointed out is interesting, at least interesting to me.
9 The cathodic protection, I think, in the lingo, the "zincs"
10 that they put on the pipeline to prevent corrosion, give off
11 gases as they function. And those gases are being picked up
12 every four -- is it 40 feet? I think every 40 feet.

13 MR. FRANKLIN: The anodes are 2,000 feet apart.

14 HEARING OFFICER: Oh, 2,000? Sorry. Every 2,000
15 feet, these anodes are off-gassing through their normal
16 function, and that's being picked up by LEOS every 2,000 feet,
17 so that they are observing that phenomena, which is part of
18 what these things are supposed to do, to be able to pick up
19 such gases. Yes.

20 MR. EUGENE BROWER: Another follow-up on the
21 pipeline. What's the preferred pipeline that is being
22 recommended, single pipe or the pipe-in-pipe, double-walled
23 pipe? And following question was asked too. It's how do you
24 handle the expansion? You know, normally, you have, on land,
25 expansion for the pipe, and I'm not sure.....

1 HEARING OFFICER: Let me take.....

2 MR. EUGENE BROWER:that I've seen anything
3 under.....

4 HEARING OFFICER: Okay.

5 MR. EUGENE BROWER:what I've seen.

6 HEARING OFFICER: Let me take your first order --
7 answer, and then BP can fill in.

8 First of all, BP proposed a pipeline, as Fred
9 described, it's about 12 inches in diameter, 7/10 of an inch
10 thick steel, similar in design to the Northstar pipeline.
11 That's their proposal. In the Environmental Impact Statement,
12 we looked at three other designs and compared all four: the BP
13 with the pipe-in-pipe, with the pipe in HDPE, or high-density
14 polyethylene, and the flex pipe. In a nutshell, we asked -- we
15 discussed this with BP, we discussed this with the Corps of
16 Engineers and Fish and Wildlife Service and others, and we
17 agreed that it would -- collectively we agreed. Some made some
18 suggestions; some made others -- that we look at four different
19 pipelines.

20 Basically, I think the Fish and Wildlife Service was
21 advocating looking at the pipe -- steel pipe-in-pipe. The
22 Corps added the idea of looking at pipe in HDPE, and BP added
23 the notion of looking at flex pipe. If we're going to start
24 looking, let's look more broadly. So these four designs, then,
25 were -- or these four candidates were viewed as four that are

1 reasonable to look at.

2 At that point, BP issued a contract to design each of
3 these four pipelines and, indeed, produced a design for each of
4 the other three that could then be compared to what they had
5 for steel pipe-in-pipe. The other three were not developed in
6 as deep a design as this single-walled pipeline 'cause that was
7 what their proposal was. We then -- yes, sir.

8 MR. EUGENE BROWER: We need water in here. We don't
9 have no water here. We'd like -- we came here to testify on
10 this Liberty Project, and now you're giving a long oration of
11 what's going on, and maybe you can give the people a chance to
12 testify, to make their statements, before you, then we can go
13 into asking and answering.....

14 HEARING OFFICER: We'd be pleased to.

15 MR. EUGENE BROWER:question period.

16 HEARING OFFICER: Okay. Why don't I -- can I take
17 about 30 seconds to wrap up that answer and then we'll move?
18 Is that okay with you?

19 MR. EUGENE BROWER: All right.

20 HEARING OFFICER: Okay. So in essence, we had
21 another contractor look at those four designs, and then we had
22 a third contractor look at the probability of spills from
23 those. All of that information is in the DEIS, but the
24 decision on which pipeline is to be selected has not been made
25 and won't be made until after the Final Environmental Impact

1 Statement is issued.

2 Would you like to start the testimony, Eugene?

3 MR. EUGENE BROWER: Oh, I'm first?

4 HEARING OFFICER: Well, if you'd like. We'd love to
5 have you.

6 (Laughter, side comments)

7 MR. EUGENE BROWER: All right. All right. I'll give
8 you my.....

9 HEARING OFFICER: Oh. Good. Thank you.

10 MR. KING: You can give it to the court reporter.

11 MR. EUGENE BROWER: Put my reading glasses on.

12 PUBLIC TESTIMONY OF MR. EUGENE BROWER

13 Thank you for coming up here to Barrow. For the
14 record, my name is Eugene Brower. I'm the President of the
15 Barrow Whaling Captains Association here in Barrow. Our
16 whaling association has 43 registered captains through Alaska
17 Eskimo Whaling Commission, and it has a membership of about
18 450-plus crew members here in Barrow that are impacted. We are
19 one of the ten whaling villages who are federally recognized as
20 a whaling community in the United States of America through the
21 Alaska Eskimo Whaling Commission.

22 For the record, for the past 20 years we've been
23 testifying opposing any offshore OCS activities in the Beaufort
24 Sea. Our primary concern is the possibility of an oil spill
25 that will affect our marine mammals, particularly the bowhead

1 whale because of its great importance as a food source to our
2 people. We are also concerned about the Department of Interior
3 and MMS not addressing their respective statutory trust
4 responsibilities to protect our whaling communities.

5 This leads me to this Draft Environmental Impact
6 Statement on the Liberty project that is before us now. The
7 Barrow Whaling Captains Association opposes this project based
8 on the following:

9 (1) The oil industries, to date, have not
10 demonstrated that they have ability to clean up spilled in
11 broken ice conditions in the Beaufort Sea.

12 (2) Before the new development is to take place, the
13 whalers requested that their concerns on the Northstar project
14 be studied. For example, since hot oil will be flowing in the
15 pipe, there should be monitoring to see if the heat affects any
16 nearby permafrost or if the pipe expands and moves in the
17 trench it is in. Right now, you're just talking about some
18 exploratory thing that they're working on now. The hot oil
19 hasn't started flowing yet.

20 (3) Another concern of great importance is the
21 cumulative impact of industrial activity on the bowhead whale
22 in its fall migration route and its feeding areas on the near-
23 shore waters in the Beaufort Sea. We cannot understand how
24 offshore development can be allowed when there is no capability
25 to clean up oil spilled during broken ice. Why is the risk

1 ignored? If there is a problem, all of the impact will be upon
2 the bowhead and us. Who will help us then?

3 You know that we are worried about an oil spill. We
4 are concerned that if there is an oil spill, the anti-whaling
5 countries at the International Whaling Commission will use the
6 oil spill as an excuse to reduce our harvest quota. The
7 anti-whaling countries at the IWC would say that they are just
8 reducing our harvest quota as a way to help protect the bowhead
9 population since the oil spill happened. You say the risk of
10 an oil spill is low, but if it ever happens, it will probably
11 be used by the IWC to restrict our hunt.

12 Minerals Management Service, you have the authority
13 to tell the oil industry in OCS to select pipeline selection
14 criteria for use in the Beaufort Sea. So why don't you tell BP
15 to come up with a pipe-in-pipe design? With double-wall pipe,
16 they will have less risk of an oil spill than a single pipe --
17 single-wall pipe will. You have time to make these changes.
18 In February 2002, the Final EIS will be distributed. January
19 2003, construction will begin on the construction of an island.
20 2004, they will start constructing the pipeline. So you have
21 time to make these changes.

22 Based on testimonies presented during this meeting
23 the Barrow Whaling Captains Association strongly opposes any
24 Liberty Island development in the waters of the Beaufort Sea.

25 Thank you for the time given to me to make a

1 statement on behalf of the Barrow Whaling Captains Association
2 on the Draft EIS on the Liberty Project.

3 HEARING OFFICER: Thank you.

4 MR. EUGENE BROWER: And if you have any questions,
5 I'd be happy to take them.

6 HEARING OFFICER: Okay. Are there any questions
7 anybody would like to direct to Eugene?

8 (No audible response)

9 MR. EUGENE BROWER: Like I said earlier, you have the
10 final authority, Minerals Management Service, to tell the OCS
11 operators out there of what design and of what to use instead
12 of them telling you what they want to use. It might be the
13 cost, things cost too much. Or it might be cost-prohibitive.
14 But with the pipe-in-pipe design, you have less change of an
15 oil spill. Thank you.

16 HEARING OFFICER: Thank you.

17 MR. KING: Thank you.

18 (Pause)

19 MR. ITTA: I'd like to.....

20 HEARING OFFICER: Yes, please. And would everyone
21 please, as Eugene did, state their name.....

22 (Indiscernible side comments)

23 HEARING OFFICER:before they begin their
24 testimony?

25 (Pause - Side conversation)

1 HEARING OFFICER: Thanks.

2 MR. ITTA: Good evening. Thank you.

3 HEARING OFFICER: Could you state your name, please?

4 PUBLIC TESTIMONY OF MR. EDWARD ITTA

5 My name is Hod (ph). Hi (laugh). Edward Itta. I'm
6 the Commissioner to the Alaska Eskimo Whaling Commission,
7 representing Barrow, and also the Vice-Chair on behalf of the
8 Alaska Eskimo Whaling Commission.

9 We had a mini-convention here in Barrow earlier, and
10 the Commissioners, the Alaska Eskimo Whaling Commission, passed
11 a resolution, 2000-102, to -- and I'll just give you the "Now
12 therefore be it resolved" portion of it along with a little
13 comment here at the end. This is a resolution dealing with the
14 Liberty Project in particular:

15 "Now, therefore be it resolved that the
16 Board of Commissioners of the Alaska Eskimo
17 Whaling Commission is hereby directed by the
18 Bowhead Subsistence Whaling Captains of the
19 Alaska Eskimo Whaling Commission to work with
20 the North Slope Borough and other organizations
21 to accomplish each of the following:

22 "

23 Barrow City Council opposes any development that may threaten
24 the environmental health of the Arctic Ocean.

25 "(1) Educate the U.S. federal government,

1 the State of Alaska, and the public about our
2 people, our subsistence hunting practices and
3 culture, the International Whaling Commission
4 quota, and about the oil and gas development and
5 production that is being allowed in the
6 dangerous, ice-infested waters of the Arctic
7 Ocean; and

8 "(2) Prohibit any oil or gas drilling
9 activity within fifty miles of Cross Island or
10 Point Barrow until better scientific evidence is
11 available to show that a closer distance is
12 safe; and

13 "(3) Open the Coastal Plain of ANWR to oil
14 and gas exploration and production on condition
15 that an indefinite moratorium be placed on all
16 offshore industrial activity, and on further
17 condition that our bowhead subsistence community
18 be given authority to help decide how oil and
19 gas work is conducted in the Coastal Plain, and
20 on further condition that our bowhead
21 subsistence community and all communities
22 suffering impacts from the oil and gas activity,
23 share in the revenues from production of the
24 Coastal Plain; and

25 "(4) Create trust funds to insure our

1 community against the loss of our subsistence
2 due to the development of our non-living
3 resources."

4 That, in a nutshell, was the feelings of all the
5 coastal whaling communities, and I think the first point is
6 very clear on our charge to try to make you understand what it
7 is that we've been saying that the President alluded to for, it
8 seems like, 50 years, but it's probably about 20 years. So our
9 official position, we have our Executive Director, Maggie, who
10 will speak a little bit more.

11 But what I would like to just comment on now, and --
12 and we'll have some written comments to you before the end of
13 the review -- or comment period is over. Like President Brower
14 of the Barrow Whalers stated, that you, MMS, still have time to
15 change to a double-wall design. The very preliminary
16 information that we have and understand is that double-wall is
17 not going to -- is going to add to construction costs for sure,
18 we know that. But the safety factor is about, minimum, 50- to
19 70-percent safer, if you want to go ahead and go with it.

20 And a decision has been made, or it appears to be
21 made, by BP with their in-house engineers, INTEC, that single-
22 wall pipe is going to be just fine, and that that is the
23 selection which I think MMS has agreed to now, in spite of our
24 objection. And I don't know that that's true, but that seems
25 to be where BP is coming from, that it's got to be single-wall.

1 But when you look at it, at an overall project -- from a
2 project perspective overall, that that double-walled pipe is
3 only, at conservative guesses based on your production numbers,
4 not even 3 percent of the project to begin with.

5 So the safety, the numbers, the economics just do not
6 come together. Coming in at the very minimum, it's got to be
7 double-wall, and let BP defend that or shoot that down, why
8 not.

9 But again, I thank you for the time, and I'm open to
10 questions, too, if anybody has any.

11 HEARING OFFICER: Thank you. I appreciate that
12 Edward. Any questions for Edward Itta? Yes. Please, Rex.

13 MR. OKAKOK: Maybe a clarification. Is the double-
14 wall the same as the pipe-in-pipe system?

15 MR. KING: Yes.

16 MR. OKAKOK: Is that what you're.....

17 HEARING OFFICER: Same double-wall.....

18 MR. OKAKOK:referring to?

19 HEARING OFFICER: Steel double-wall or steel pipe-in-
20 pipe are the same, referring to the same thing.

21 MR. OKAKOK: Okay. Thank you.

22 HEARING OFFICER: Yes.

23 MR. FRANKLIN: I have a question. If you had seen
24 that BP preferred a double wall, would your opposition to
25 Liberty still be in place?

1 MR. ITTA: The -- at the very least, yes, our
2 opposition will never change, opposing all offshore. And one
3 other point I'd like to make for the benefit of our audience is
4 that this hearing is different than the other ones on the
5 exploration portion 'cause we're talking production now. We're
6 talking production. So I'll stop with that and add on later.
7 I have more comments in that area, but thank you. Okay.

8 HEARING OFFICER: I would like to make one point
9 before you go. The -- clearly, BP has proposed the single-wall
10 pipeline as their preferred way to go. But the Minerals
11 Management Service has not, and cannot under the law, make a
12 decision on one pipeline design over the other at this stage.

13 MR. ITTA: Right. Well, one more comment I'll make,
14 and that's in reference to the Corps and their own reports that
15 say on the probability of oil spills, you know, 90, 95 percent
16 certainty? We look at it that that difference of uncertainty
17 virtually says 100-percent oil spill is capable of happening
18 out there, folks. And that's the way we got to deal with it.
19 Thank you.

20 HEARING OFFICER: Thank you, Edward. Who else would
21 like to testify? A number of people.

22 MR. KING: I think Maggie's ready.

23 HEARING OFFICER: Maggie?

24 MS. AHMAOGAK: Yes.

25 HEARING OFFICER: Good.

1 MS. AHMAOGAK: Here's our original points for you.

2 HEARING OFFICER: Good. Thanks very much.

3 MS. AHMAOGAK: A copy.

4 HEARING OFFICER: I'll give it to you, but I want to
5 follow through, okay? Do you want to see it for a second?

6 PUBLIC TESTIMONY OF MS. MAGGIE AHMAOGAK

7 Good evening. My name is Maggie Ahmaogak. I'm the
8 Executive Director for Alaska Eskimo Whaling Commission. First
9 of all, I'd like to support the testimonies that were given by
10 President Eugene Brower of Barrow Whaling Captains Association
11 and our AEWK Vice-Chairman, Edward Itta.

12 AEWK does have prepared comments. We had wanted to
13 also provide these to -- in lieu of Nuiqsut and Kaktovik where
14 you just came from, and we do have a recap of their testimonies
15 that were not given to you on -- or by paper. So I have those
16 for submittal to you also. And I'll go ahead and read the
17 comments that I prepared for this meeting.

18 "The Alaska Eskimo Whaling Commission
19 appreciates the opportunity to submit the
20 following comments on the Draft Environmental
21 Impact Statement for the Liberty Project. These
22 comments are being submitted for purposes of the
23 U.S. Minerals Management Service's hearings
24 scheduled for today, and AEWK reserves the right
25 to submit additional comments on the Liberty

1 DEIS prior to the close of the public comment
2 period.

3 "The Alaska Eskimo Whaling Commission
4 opposes the proposed Liberty Island development
5 for the following reasons:

6 "Because of the severe adverse effects of
7 offshore oil and gas development, including oil
8 spilled in the water (whether cumulative small
9 spills and discharges or a major spill), North
10 Slope oil and gas development must be brought
11 onshore.

12 "As with the Northstar DEIS, MMS and the
13 Army Corps of Engineers have tried to assume
14 away oil spill risks and damages in the Liberty
15 DEIS. However, in its discussion of cumulative
16 oil spill effects in the Northstar FEIS, the
17 Corps found that with present and planned
18 development in the Arctic OCS, there is a 95.2-
19 percent probability of one or more spills
20 greater than or equal to 1,000 barrels. This is
21 quoted in the Northstar FEIS, page 10-39.

22 "Therefore, according to the Army Corps of
23 Engineers (Corps), there is a virtual 100-
24 percent chance of a serious oil spill occurring
25 in the Arctic OCS within the foreseeable future

1 if oil production continues in the OCS as
2 planned. With respect to other sources of
3 pollution to the Arctic marine environment,
4 exploration and production related activities
5 introduce waste and "small" oil spills that seem
6 to occur with some frequency in the OCS.

7 "Furthermore, a major oil spill in the
8 Arctic OCS, however unlikely, cannot be cleaned
9 up. In addition, no one knows what the fate of
10 such a spill would be, or the full extent of its
11 impacts on the Arctic marine environment. What
12 is known, however, is that, with the exception
13 of clean-up costs to the company, the entire
14 impact of any of these adverse events will be
15 borne solely by the coastal villages of Northern
16 Alaska, including the bowhead subsistence
17 community.

18 "This growing cumulative risk is too great
19 for our community to have to bear. Future oil
20 production along the North Slope must be brought
21 onshore. This can be accomplished at Liberty by
22 building a causeway out from the spit of land
23 southwest of the proposed Liberty site and using
24 directional drilling from there. This approach
25 would keep everything on land, and the oil could

1 be transported by a raised pipeline rather than
2 a subsea pipeline. The AEWC is willing to
3 consider this approach as an alternative to the
4 current proposals that we have seen.

5 "The Liberty DEIS does not address
6 cumulative impacts on the human environment, nor
7 does it propose any mitigation measures for
8 these impacts.

9 "Our Northern Alaska bowhead subsistence
10 community receives no direct benefit from OCS
11 oil and gas development, yet we bear 100 percent
12 of the environmental and social risks associated
13 with this development, including adverse impacts
14 to our marine, coastal, and human environments.

15 "These impacts are coming from many
16 directions, including noise from industrial
17 operations, the cumulative effects of small
18 spills and discharges, the risk of a large oil
19 spill, and the stress placed on our community
20 due to these threats to our subsistence
21 resources, lifestyle, and culture.

22 "Because of these present and threatened
23 impacts, oil and gas development is having an
24 increasingly adverse impact on the human
25 environment of our communities. As our AEWC

1 subsistence hunters have reported and testified
2 on countless occasions, we are bound together by
3 our subsistence hunting culture, the center of
4 which is the bowhead whale.

5 "As OCS oil and gas development increases
6 in our Beaufort Sea, bowhead whales and our
7 other subsistence resources will become less
8 available to our community, and our traditional
9 hunting culture will be seriously threatened.
10 Even more importantly at this time, our peoples
11 fears that oil and gas development could cause
12 us to lose our subsistence resources, and
13 therefore, our way of life, our independence,
14 and even our food, is taking a serious toll on
15 our people's psychological health and quality of
16 life.

17 "At page III-A-8 of the DEIS, the Corps
18 states that, 'Effects... would not displace
19 ongoing sociocultural systems, community
20 activities, and traditional practices for
21 harvesting, sharing, and processing subsistence
22 resources.' Then at page, Section III-C-81, the
23 Corps states that, 'No resource or harvest area
24 would become unavailable, and no resource
25 population would experience an overall

1 decrease.' However, the Corps has presented no
2 evidence to support this statement.

3 "The map included in the DEIS, which is
4 supposed to show Nuiqsut bowhead harvest
5 locations in this area for 60 years, is
6 extremely incomplete. The Corps and MMS are
7 trying to address our concerns for the future of
8 our culture with unfounded statements. However,
9 these statements will not protect our
10 communities and our subsistence.

11 "In a 1988 article published in "Science"
12 magazine, the respected rural sociologist, Dr.
13 William R. Freudenburg, writing about public
14 perception of risk from large-scale
15 technological developments, pointed out that,
16 'Real costs are incurred... when societal
17 strains are created by inequitable
18 distributions of technological risks, or even
19 when individuals "invest" in the psychic costs
20 of worrying about potential disasters, whether
21 such disasters actually occur or not.'

22 "Dr. Freudenburg went on to note that, 'It
23 is tempting to assume that risk management can
24 be improved by settling scientific facts before
25 worrying about any social implications.... or to

1 assume that scientists identify "real" risks
2 with additional public concerns being due to
3 misinformation or irrationality. Such
4 assumptions may cause few problems when the
5 stakes are low, consensus is high, experience is
6 vast, and decisions do not impose burdens on one
7 group for the benefit of another. These
8 assumptions are clearly problematic, however,
9 for controversies that involve high stakes, low
10 consensus, new technologies, and unequal
11 distributions of burdens and benefits. These
12 kinds of technological controversies are often
13 precisely those for which the perceived versus
14 real argument is pushed with the greatest
15 passion.' (Emphasis added.)

16 "It is clear that our bowhead subsistence
17 community is not the first community to
18 experience real, identifiable social stress and
19 disruption as a result of being forced to bear
20 the full burden of risk, with little or no
21 benefit, from a potentially threatening, not
22 fully tested activity, such as Arctic OCS oil
23 and gas development and production.

24 "Furthermore, we are facing an increased
25 interest in the North Slope oil and gas

1 development, both onshore and offshore, just as
2 the North Slope Borough tax revenues from the
3 Prudhoe Bay development have gone into steep
4 decline. To date, the Prudhoe Bay tax revenues
5 have provided us with some minimal resources to
6 help us at least try to force the industry and
7 federal agencies to take account of the impacts
8 of OCS oil and gas activity on our bowhead
9 subsistence hunt and culture.

10 "However, as these revenues continue to
11 decline, MMS must recognize that the inequitable
12 distribution of development benefits and risks
13 in Northern Alaska not only is leaving our
14 bowhead subsistence community with all of the
15 risk associated with development, but also
16 without even minimal means to protect ourselves
17 from those risks. This is especially true for
18 the Liberty Project, which is entirely in
19 federal waters and therefore will not even
20 contribute to the North Slope Borough tax base.

21 "MMS has not taken any action to address
22 the adverse impacts to the human environment of
23 our communities.

24 "The above issues, among others, were noted
25 and discussed by the Committee to Review Alaskan

1 Outer-Continental Shelf Environmental
2 Information, established by the National
3 Research Council in the early 1990s. The NRC
4 Committee published the report on its work in
5 1994. Reporting on the adequacy of information
6 on impacts to the human environment, the NRC
7 concluded that, 'MMS studies conducted in Alaska
8 generally have not addressed changes that occur
9 in local communities in response to "the
10 potential" for OCS related activities.' In its
11 recommendation addressing this conclusion, the
12 NRC Committee stated:

13 "The real and often predictable and
14 quantifiable socioeconomic consequences of
15 leasing and exploration-phase impacts need to be
16 described and addressed."

17 "Environmental Information for Outer Continental
18 Shelf Oil and Gas Decisions in Alaska." These are the
19 footnotes that we've provided for references that have been
20 used to address the NRC report.

21 "The NRC Committee went on to conclude
22 that, 'There is little evidence that systematic
23 attention has been devoted to the fact that MMS
24 can substantially ameliorate or exacerbate' the
25 adverse effects of these changes. Thus, the NRC

1 Committee recommended that MMS conduct a
2 'thorough analysis of whether or how
3 alternatives to subsistence activities can be
4 mitigated.' In the alternative, the NRC
5 Committee concluded that, 'MMS's decision-making
6 documents should assume "worst-case" scenarios,'
7 for example, 'that effects on subsistence may be
8 unmitigable.'

9 "The NRC Committee also noted that even
10 with further research, MMS cannot fulfill its
11 obligation to manage the sociocultural impacts
12 that are occurring in Northern Alaska as a
13 result of ongoing OCS oil and gas leasing,
14 exploration, and development activity without
15 revising its decision-making process for the
16 siting of OCS oil and gas-related facilities, at
17 least in Northern and Northwestern Alaska.

18 "Among the items that MMS must consider to
19 revising this process is the need for local
20 communities to have an "active part" in the
21 decision-making process and to have "real
22 control over decisions that influence risks."
23 As the NRC Committee correctly noted, the best
24 (and perhaps the only) solution is for MMS, the
25 industry, and the North Slope residents to

1 attempt to reach agreement on the controversial
2 matters and how they should be adjusted,
3 remedied, or mitigated as specific times and
4 places that various activities occur in lieu of
5 or concurrent with additional studies.

6 "The NRC Committee's recommendations
7 regarding the mitigation of long-term impacts,
8 including "cultural erosion" and over-dependence
9 on oil and gas related revenues, or
10 "over-adaptation" are consistent with the
11 recommendations that the AEWC and the North
12 Slope Borough have been making to MMS and NMFS
13 in recent years.

14 "According to the NRC Committee...."
15 NRC actually is the National Research Council.
16 "...among the obvious possibilities for
17 mitigating those foreseeable effects (as well as
18 for helping to create more positive effects)
19 could be the creation of a trust fund.

20 "Not one of these issues has been addressed
21 by MMS. In the DEIS, the Corps reports that the
22 "stipulation on Subsistence Whaling And Other
23 Subsistence Activities" ensures that industry
24 operators "coordinate siting and timing with
25 subsistence whaling and other subsistence

1 harvest activities."

2 This is in the Liberty DEIS, page, Section III-C-85
3 and 86.

4 "This statement is incorrect. No one has
5 attempted to coordinate the siting, timing, or
6 anything else related to the Liberty proposal
7 with our community. We have been met with and
8 told what is to happen.

9 "Conversely, the Corps also notes that
10 continuing oil development will disrupt our
11 cultural activities, even though it doesn't
12 cause "biologically significant" harm to a
13 subsistence species' overall population."

14 This is also quoted in the Liberty DEIS, Section
15 III-C, page 87.

16 "Furthermore, according to the Corps, "some
17 resource populations could suffer losses or
18 could be rendered culturally unavailable for
19 use, causing potentially significant unavoidable
20 effects on the subsistence harvest."

21 This is also quoted in the Liberty DEIS, Section
22 III-D-25.

23 "Note that this statement contradicts the
24 statement made by the Corps at page,
25 Section III-C-81 and cited above at page 2 of

1 these comments.

2 "Again, none of these issues has been
3 addressed, and statements by the Corps such as
4 'effects from these sources would not displace
5 ongoing sociocultural systems, community
6 activities, and traditional practices for
7 harvesting, sharing, and processing subsistence
8 resources' are nothing more than unfounded and
9 insulting attempts to dismiss the impacts to our
10 community."

11 These are quotes from the Liberty DEIS, page V-49.

12 "The Open Water Season Conflict Avoidance
13 Agreements are not designed to address impacts
14 to our community from OCS oil and gas
15 production. Any references implying that this
16 agreement might serve as a mitigation measure
17 for OCS production are inappropriate. There are
18 no mitigation measures in place to protect our
19 community from the adverse effects of offshore
20 oil and gas production.

21 "The Corps states that BP is working with
22 the AEWC to negotiate a Conflict Avoidance
23 Agreement 'that would cover Liberty
24 production.'"

25 This is also quoted in the Liberty DEIS, page,

1 Section 111-C-86.

2 "This statement is not true. Furthermore,
3 the Open Water Season Conflict Avoidance
4 Agreement is designed to address noise and
5 traffic issues during exploration. It does not
6 address the much more severe impacts associated
7 with offshore production.

8 "The DEIS does not address bowhead feeding
9 in the Beaufort Sea.

10 "One extremely important issue ignored
11 repeatedly by both NMFS and MMS is the fact that
12 migrating bowhead whales feed throughout the
13 Beaufort Sea. The AEWG understands that this is
14 an inconvenient fact that the agencies would
15 like to ignore. However, our whaling captains
16 observe bowheads feeding as they migrate each
17 spring and fall. Others have observed this as
18 well. In addition, whales taken in all three
19 fall bowhead subsistence whaling villages have
20 food in their stomachs.

21 "The following cites are taken from NMFS'
22 current Draft Arctic Region Biological Opinion:

23 "Sheldon and Rugh (1995:13) report some
24 whales feed opportunistically during spring
25 migration, and that the lead system may serve as

1 an important feeding area. Page 11."

2 On another cite, or reference, to the W. Bodfish, a
3 North Slope Borough report of 1981:

4 "Bowhead whales [including females with
5 suckling calves] apparently take their time
6 returning westward during the fall migration...
7 with some localities being used as staging areas
8 due to abundant food resources...."

9 Another reference we have for A. Brower in U.S. DOI
10 MMS report dated 1979:

11 "Inupiat believe that whales follow the
12 ocean currents carrying food organisms."

13 Quoted by Thomas -- quoted for Thomas Napageak for a Personal
14 Community of Nuiqsut Whaling Captains Meeting, dated August 13,
15 1996. Another quote for Mollie Pederson on the USACE, 1996:

16 "The barrier islands all along the Beaufort
17 Sea coast are considered by local residents as
18 important resource to the bowhead whale for use
19 as staging and feeding areas."

20 Another reference:

21 "Some near-bottom feeding (evidenced by mud
22 being brought to the surface) continued until
23 the vessels were 3 kilometers away.... The most
24 notable change in behavior apparently involved
25 cessation of feeding when the vessel was 3

1 kilometers away.

2 This is from a report that was also referenced to the USACE on
3 page 45. In another one, we're citing the survey data from the
4 1996-1998 seismic monitoring programs by LGL, that:

5 "Many aggregations of feeding whales were
6 observed near or just shoreward of the 10-meter
7 depth contour. We do not have enough evidence
8 to know whether or not industrial activity for
9 several years would keep bowheads from using an
10 area, although possible abandonment of feeding
11 habitat may be a concern. Furthermore, in its
12 1988 ARBO...."

13 That's the biological opinion for the Arctic Region.

14 "...NMFS noted the following: In the fall,
15 both feeding and migration activities occur in
16 the Alaskan Beaufort Sea. Certain areas appear
17 to be regularly used for feeding and resting....

18 Bowhead whales have also been observed feeding
19 north of Flaxman Island in outer Harrison Bay
20 north and east of the Colville River plume and
21 in the waters offshore of Smith Bay and east of
22 Barrow.

23 "Depending on ice conditions and proximity
24 to freeze-up, the bowhead whales appear to
25 alternate feeding and westward migration

1 activities, probably stopping to feed in areas
2 containing suitable prey. In 1985, there was
3 evidence of feeding while whales were traveling
4 slowly westward and at times when they remained
5 in specific areas."

6 From the Thompson report of 1986 and '87.

7 "From just these few references, it is
8 abundantly clear that migrating bowhead whales
9 feed as they move through the Alaskan Beaufort
10 Sea. Furthermore, our bowhead subsistence
11 captains -- based on their annual observations
12 of bowhead behavior across many generations --
13 consider the Alaskan Beaufort Sea to be critical
14 feeding habitat for migrating bowheads. This
15 habitat issue is not adequately addressed in the
16 DEIS.

17 "MMS and NMFS already have made the
18 decision to allow Northstar to go forward
19 without addressing their respective statutory
20 responsibilities to protect our community, our
21 subsistence resources, and our subsistence
22 culture. Our community cannot allow additional
23 oil or gas development in our Arctic waters
24 under these circumstances.

25 I've made copies of these available to our whaling

1 captains a couple of days so that these could be used for
2 discussion purposes. And we also do reserve the right to
3 submit our additional comments before the deadline of
4 April 13th.

5 HEARING OFFICER: Thank you. Thank you, Maggie.

6 MR. KING: Do you want to ask if there's any
7 questions?

8 HEARING OFFICER: Maggie, would you be willing to
9 answer questions if anyone in the audience has those?

10 MS. AHMAOGAK: Sure. Mm hmm (affirmative).

11 HEARING OFFICER: Does anybody have any questions
12 that they'd like to direct to Maggie?

13 (No audible response)

14 HEARING OFFICER: Okay. Otherwise -- oh. Arnold.

15 MR. ARNOLD BROWER: Yeah. I'd like to know in the
16 one -- in the statement that she referred to that she made a
17 comment regarding that the Inupiat people have not received any
18 benefit.....

19 HEARING OFFICER: Please?

20 MR. ARNOLD BROWER: Have not received any benefits
21 from the offshore development. Onshore and offshore, the
22 benefits that she alluded to that should be coming to us, if
23 she means that to be by and for the tribal government also.

24 HEARING OFFICER: Did you hear that question, Maggie?

25 MS. AHMAOGAK: Yes, I did, and those references are

1 made after some of the national OCS policy meetings that we
2 have been attending in Washington, D.C., that raise some of
3 these questions regarding the CARA bill. You know, the
4 coastal.....

5 HEARING OFFICER: Yes.

6 MS. AHMAOGAK: OCS coastal impact assistance that has
7 been introduced. Now, the subcommittee meetings that were just
8 held are trying to come up with an understanding of these
9 impacts that are being borne and the burdens being borne here
10 at the community level, but they're addressing these to be able
11 to mitigate or even -- or by a funding formula to the local
12 tribal council or to the North Slope Borough for some of these
13 risks that are borne by the industry as some kind of a revenue
14 methodology that could be formulated by the MMS bosses or the
15 federal responsibility for a mandate under that OCS impact
16 assistance program for something like sharing -- revenue-
17 sharing from its royalties that it's getting from the lease
18 sales. That has been part of the discussions at the national
19 OCS policy level.

20 HEARING OFFICER: Thank you.

21 MR. ARNOLD BROWER: Thank you.

22 MR. KING: Thank you.

23 HEARING OFFICER: Any other questions for Maggie?

24 (No audible response)

25 HEARING OFFICER: Otherwise, Jim, you want to go

1 ahead and.....

2 MR. VORDERSTRASSE: Well, thank you. And.....

3 HEARING OFFICER:state your name again?

4 PUBLIC TESTIMONY OF MAYOR JIM VORDERSTRASSE

5 Jim Vorderstrasse, City of Barrow Mayor. And I want
6 to welcome you here to our community, and I hope you are
7 experiencing our world-famous hospitality in spite of the tough
8 task you have before you today, hearing the resounding
9 opposition to offshore drilling. And I'm not going to change
10 the song, fellows, I'm afraid.

11 I have before me here Resolution 09-01,

12 "A Resolution of the Barrow City Council
13 Opposing Lease Sale 176 and Any Offshore
14 Drilling.

15 "WHEREAS, the residents of Barrow, Alaska,
16 have been dependent on the ocean for their
17 survival and;

18 "WHEREAS, the protection of that resource
19 has long been as importance as life itself
20 and;

21 "WHEREAS, an accident during exploration or
22 oil drilling in the ice-covered Beaufort Sea
23 could jeopardize that way of life and;

24 "WHEREAS, no amount of money could replace
25 the hunt for the bowhead whale and the other

1 wildlife which depend on the Arctic Ocean;

2 "NOW, THEREFORE BE IT RESOLVED THAT the
3 Barrow City Council opposes any development that
4 may threaten the environmental health of the
5 Arctic Ocean.

6 "Passed and Approved by the City Council on
7 this 20th Day of February 2001."

8 Signed by myself, James W. Vorderstrasse, Mayor, and Jane
9 Nelson, City Clerk. And somebody accused me of picking that
10 "W" up after another "W" got into office, but I've had it for a
11 long time.

12 (Laughter)

13 I'm glad this is an informal discussion here because
14 it kind of reminds me of a story. And I understand there is no
15 Director of the MMS at this time. Is that correct?

16 HEARING OFFICER: There's an acting Director.

17 BY MAYOR VORDERSTRASSE (Resuming):

18 Acting Director. Okay. Well, this is about the
19 Director. You see, this Director of the MMS, he did his
20 government service; he had this nice, healthy government
21 retirement, and he was enjoying retirement. And, well, the day
22 of judgment came. He ended up passing on, and he went up to
23 the pearly gates and met St. Peter. And St. Peter says, 'Well,
24 what did you do in your former life?' 'Well, I was proud to
25 say I'm Director of the MMS.' And he looked at him and says,

1 'Oh, yeah. Okay. Say, aren't you that guy that heard over 20
2 years of testimony from the people that lived in the area, and
3 you ignored it? And then when they got a doggone oil spill,
4 how'd you feel about that?' He says, 'Well, gosh, you got to
5 understand, St. Peter, I was under a lot of pressure.' He
6 says, 'People had to gas up their SUVs, and geez, we had
7 rolling blackouts in California, and people's air conditioning
8 was getting interrupted.' He says, 'Funny you should mention
9 air conditioning because where you're going, buddy, you're
10 going to wish you had it.'

11 (Laughter)

12 And I -- it is frustrating for us to have to come
13 here time and time again to testify against it. It's so
14 important. And to recap what Maggie said, we've got everything
15 to lose and, really, nothing to gain from this. And I
16 understand BP is here, and they've done an excellent job, I've
17 got to say. And I commend you for the job you've done, and
18 they really are trying hard. But it seems just really foolish
19 to us to go offshore when you got all this land onshore to
20 develop.

21 And we would just like to see this -- and we know
22 we're not going to stop this. Eventually, the oil companies
23 are going to develop that oil. But I'd just like to see it
24 wait 10 or 15 years. Maybe technology will increase. Maybe by
25 then, we'll really need that oil. When you're having to pay

1 Saddam Hussein \$90 a barrel and we've pumped all our oil out,
2 and then when we -- now, what do we do? And this is really a
3 concern for us. And once again, I say we got everything to
4 lose and nothing to gain, really.

5 And, Mr. King, I commend you on your report. I've
6 got to say I haven't read it all. I scanned it, and I think
7 it's ironic that your name's King because I think of Stephen
8 King. And I thought for the money you paid for this.....

9 (Laughter)
10by God, we could have had a write -- somebody that could
11 really write a horror story that we're going to have here if we
12 ever have an oil spill. And it'd certainly be a lot better
13 reading, too.

14 MR. KING: I agree there.

15 BY MAYOR VORDERSTRASSE (Resuming):

16 But I just would like to go on to say we would really
17 like you to wait 10, 15 years before you develop this oil, and
18 look on land. I think it would be very wise of you to do so.
19 And it's so important for the folks up here to protect that
20 ocean. With that.....

21 HEARING OFFICER: Thank you.

22 MR. KING: Thank you.

23 MAYOR VORDERSTRASSE:I'll say goodnight.

24 HEARING OFFICER: Could I ask if -- would you be
25 willing to address any questions that people might pose to you?

1 MAYOR VORDERSTRASSE: Sure.

2 HEARING OFFICER: Does anybody have any questions for
3 Jim?

4 (No audible response)

5 MAYOR VORDERSTRASSE: Thanks.

6 HEARING OFFICER: Okay. Thank you, Jim. Who would
7 like to speak next?

8 (No audible response)

9 HEARING OFFICER: Good.

10 PUBLIC TESTIMONY OF MR. CHARLES HOPSON

11 Hi. Charlie Hopson. I'm a whaling captain from
12 Barrow. I don't have a prepared statement.

13 Before you let BP start their work at Liberty, can I
14 get a statement from MMS and BP that you are willing with
15 knowing that you are going to destroy a endangered species with
16 this bowhead whale, and you are willing -- wilfully wanting to
17 destroy a culture? Before BP gets started on Liberty, I want a
18 statement signed by Minerals Management and BP that they are
19 going to suffer the consequences of destroying an endangered
20 species and a culture at the same time. Can I have that?

21 HEARING OFFICER: Well, I don't -- I can't speak for
22 BP, but I don't think MMS is willing to destroy the.....

23 MR. HOPSON: Well, put it on.....

24 HEARING OFFICER:culture or the whales.

25 MR. HOPSON: Yeah. You can put it under what do you

1 call -- you know, one of the Hopsons, that you're going to --
2 if you're going to operate out there at Liberty, one of the
3 options you're going to do is sign this piece of paper that you
4 are willing, knowingly, destroying a endangered specie, which
5 is the bowhead whale, and destroying a culture. If there's an
6 oil spill.

7 HEARING OFFICER: We don't want to do that. We don't
8 willingly head that direction.

9 MR. HOPSON: Well, we're heading in that direction.
10 You know, we need a statement and, you know, a written
11 signature from you and BP or whoever to operate out there.
12 BY MR. HOPSON (Resuming):

13 Another comment that I'd like to make is I was the
14 ice consultant for Alaska Clean Seas during the summer
15 operations at Prudhoe Bay for the Arctic Endeavor, which is
16 supposed to be the oil spill's response barge. I've been
17 working on this ice for 48 years. Some of the protocols that
18 were written by the government or whoever wrote the protocols,
19 I couldn't find the ice condition that we're supposed to find.

20 You know? Whoever wrote the protocol for the Arctic Endeavor
21 have never seen Arctic ice. I been up here working on the ice
22 for 48 years. I couldn't find those ice conditions.

23 Before we authorize anything else, we need to correct
24 what is over there at Northstar. We need to make corrections.

25 We're a long ways away from Liberty, I think, before we do

1 this kind of thing, you know. A lot of corrections. We need
2 to study Northstar at least 10, 20 years. If it went -- if it
3 goes well, maybe we'll be on the same step with you on Liberty.

4 But you're in the midst of destroying a endangered specie and
5 the culture that we have here.

6 And I think that all of us should push to have ANWR
7 opened up; maybe we'll stay away from the oceans for a while.
8 But let's work on the protocol that the oil response barge is
9 supposed to work on. Let's make corrections first before we
10 wander off. We almost got into trouble this summer with the
11 Arctic Endeavor 'cause the ice conditions we were looking for
12 didn't exist. So we need to make corrections, work together,
13 on that thing before it go out into the water further.

14 HEARING OFFICER: Charlie, I think -- and BP maybe
15 can address this -- but I think that BP is working on a revised
16 contingency plan for Northstar. Is that -- Luke, is that
17 correct?

18 MR. FRANKLIN: That's correct.

19 HEARING OFFICER: And your expectation.....

20 MR. FRANKLIN: Latter part of July.

21 HEARING OFFICER:is to have that ready by the
22 latter part of July.

23 MR. FRANKLIN: That's correct.

24 HEARING OFFICER: And when you're working on that,
25 are you doing that in consultation with others?

1 MR. FRANKLIN: Well, it has to be done in
2 consultation with DEC. We -- you know, we've taken the
3 information from the -- you know, the exercise, and from that,
4 we have to go back in with a modified C plan. That's due in,
5 like I said, nearing the end of July, and then the state -- the
6 agencies will review that again and determine whether it's
7 sufficient.

8 HEARING OFFICER: Okay. So you're working in
9 consultation with DEC.

10 MR. FRANKLIN: That's correct.

11 HEARING OFFICER: Your plan is to have it available
12 for review at the end of July of this year.

13 MR. FRANKLIN: That's correct.

14 MR. HOPSON: Anyway, before when they write those
15 protocols, I think the Native community should be, you know,
16 part of the scene so there can be some corrections made on the
17 protocol. You know, we were looking for ice way out there when
18 we should be looking at ice around the Northstar area, around
19 the Endicott area where the oil spill's, you know, going to be,
20 if there is any spills. But we're out wandering off in the
21 ocean looking for these ice conditions. It's not right. You
22 know, we're looking at the wrong place.

23 While we're looking at the wrong place, there'll be
24 an oil spill behind us. You know? So we need to make serious
25 correction before we let anybody out there. Thank you.

1 HEARING OFFICER: Okay, Charlie, what I will do is I
2 will be sure that this portion of this transcript is sent to BP
3 regarding Northstar. So.....

4 MR. HOPSON: I think Alaska -- yeah, Alaska Clean
5 Seas.

6 HEARING OFFICER: And Alaska Clean Seas.

7 MR. HOPSON: Well, these are the protocols for Alaska
8 Clean Seas, you know, not BP.

9 HEARING OFFICER: Right. All right. I will assure
10 it's sent to both BP and Alaska Clean Seas, this portion of the
11 transcript because it pertains to Northstar.

12 MR. HOPSON: Yeah. We have serious problems over
13 there. We need to make corrections over in that area.

14 HEARING OFFICER: Okay. Thank you.

15 MR. HOPSON: Mm hmm (affirmative).

16 HEARING OFFICER: Any -- and would you be willing to
17 entertain any questions?

18 MR. HOPSON: If I can answer them.

19 HEARING OFFICER: Okay. Any questions that anyone in
20 the audience has for Charlie Hopson?

21 (No audible response)

22 HEARING OFFICER: Okay.

23 MS. AHMAOGAK: Maybe I'd like to.....

24 HEARING OFFICER: Yes. Maggie.

25 MS. AHMAOGAK:entertain maybe a better

1 understanding. Am I understanding that there was no maybe
2 realistic ice conditions that they couldn't come up with
3 (indiscernible - cough) oil spill (indiscernible)?

4 MR. HOPSON: For the cleanup, someone had wrote a
5 protocol that we needed ice this big and that. You know.

6 MS. AHMAOGAK: Oh.

7 MR. HOPSON: They don't exist in the Arctic. We're
8 looking for ice conditions that don't exist. They were -- the
9 protocols were made by someone that didn't know what ice
10 conditions were. We can't be looking for ice out there that,
11 you know, we should be looking at Northstar and Endicott, by
12 the shoreline instead of chasing ice that don't exist. In my
13 48 years of ice out here, you know, I didn't find a couple of
14 the conditions. We need to make corrections.

15 HEARING OFFICER: I understand. Richard, are you
16 picking up?

17 COURT REPORTER: Yes.

18 HEARING OFFICER: What Maggie said, for instance?
19 Good. Thank you. Thank you very much, Charlie.

20 MR. HOPSON: Here's the two resolutions that I.....

21 HEARING OFFICER: Oh. Good.

22 MR. HOPSON:alluded to.

23 HEARING OFFICER: Excellent.

24 MR. HOPSON: And that's the first one.

25 HEARING OFFICER: Good.

1 MR. HOPSON: I had both typed.

2 HEARING OFFICER: Thank you. Arnold. Would you.....

3 MR. ARNOLD BROWER, JR.: Paul, is it?

4 HEARING OFFICER: Yes. Arnold, would you go ahead
5 and state your name, and go ahead and proceed with your
6 testimony please?

7 PUBLIC TESTIMONY OF MR. ARNOLD BROWER, JR.

8 Paul, I can recognize you, but everybody -- I don't
9 know everybody else. So, you know, it's usually a courtesy for
10 the panelists to have their name tags and so they know who said
11 something or something, so they know who's the blame of what --
12 so the words you said can be used against you.

13 HEARING OFFICER: Okay. We'll remember to bring
14 those kind of tags next time.

15 BY MR. ARNOLD BROWER, JR.:

16 Okay. For the record, my name is Arnold Brower, Jr.
17 Currently, I'm the President of the Inupiat Community of the
18 Arctic Slope.

19 Paul, may I emphatically state that I stamp
20 wholeheartedly to endorse Maggie Ahmaogak's comments. I think
21 that this has gone on too long, that there has not been any
22 benefit, no supplemental funds, so that our tribal governments
23 have the personnel to address every one of your concerns in a
24 professional manner, as Charlie stated, as those people that
25 stated before me, so you would have the right information.

1 I once went to a public meeting like this, and they
2 did a simulation, an artistic drawing, of what the scenario
3 would be drilling a platform offshore in the Hilton Hotel, and
4 there was not a single piece of iceberg that was jagged. It
5 was a dream world thing, a clean sheet of ice from here to
6 Siberia. And that's what I remembered when Charlie made those
7 comments about the protocols to find a specific piece of ice so
8 that a particular type of experiment can be done. That's
9 totally uncalled for, and they have to be a state-of-the-art
10 as-is, where-is, those kind of experiments. Otherwise, you're
11 never going to get experience to clean up any oil spill of any
12 nature because you're looking for that drawn iceberg.

13 I just want to state those clearly for right now
14 before I make my comments.

15 The reason why I stamp and endorse wholeheartedly
16 Maggie's comments is because I represent, have represented,
17 tribal governments in the past, from Native Village of Barrow
18 to our tribal -- regional tribal government, ICS, including
19 working for the North Slope Borough. The Inupiat Community of
20 the Arctic Slope gets its programs and services funds through a
21 Public Law 93-638 contracts. These deal with realty work for
22 Native allotments, private properties, tribal operations,
23 environmental impacts, environmental protection programs,
24 natural resources, education, vocational training programs,
25 wildlife management. But these are funded specifically for

1 they're our desired programs that we see we want to address.

2 Now we have to suspend all that work, use the same
3 dollars to address your work. That's what Maggie is saying.
4 That's what is missing in your programs, in all your
5 environmental impact statements, and that's what's wrong with
6 the federal government's management. It's one-sided
7 management. You don't care how we feel, whether we work or
8 not. But we live here. We have the authority to manage our
9 own lands, our own destination for -- under self-governance.
10 Under state law, municipal governments; under federal law,
11 tribal governments.

12 ANILCA is a federal law. You folks are the
13 federal -- representing the federal government. The federal
14 government has a federal trust responsibility to protect
15 aboriginal rights interests. My rights. These people's
16 rights. The right to live, the right to subsist, the right to
17 land, and the pursuit of happiness. Just like the American
18 system.

19 Having said that, now I want to go back to my own
20 writing here. But I just want the federal government to know
21 that. If you can't comprehend that and use that in your
22 statement, you are under the authority of having these hearings
23 to elevate our concerns, our comments to the proper agency so
24 that our agents -- your -- the federal agencies can address our
25 concerns. As Maggie stated, as Edward stated, and Eugene

1 stated, I'm not sure if this is my fiftieth statement, and I
2 still haven't seen one dime of benefits, fundamental fund --
3 supplemental funding to come to ICAS or Native Village of
4 Barrow.

5 So with that, I did a draft -- let me just read this
6 for the record.

7 "On behalf of the Inupiat people of the Arctic
8 Slope...."

9 By the way, we welcome you to our home: Barrow, Alaska, Paul.

10 (Laughter)

11 HEARING OFFICER: Thank you. It's good to be here.

12 BY MR. ARNOLD BROWER, JR. (Resuming):

13 "I want to thank you for coming to take our
14 concerns with you to your decision-makers, our
15 federal government."

16 And I want to make a remark. When we go to Alaska
17 Eskimo Whaling Commission party with the -- to the
18 International Whaling Conferences as U.S. delegates, by law, by
19 the authority of the federal government, an attorney by the
20 federal government is brought to protect our interests, to make
21 sure the trust responsibility of the federal government is met.

22 Every time we go to IWC. And I don't see that person here to
23 protect my interest. I want to make that loud and clear.

24 You folks have the court systems in your favor, your
25 judicial system, and I want to see that person start to come up

1 here before these type of panels at our public hearings so that
2 that person who's acting as the trust responsibility agent on
3 our behalf under the federal government to be here, or her
4 designee, his or her designee, because we're being railroaded
5 every time, because you're not bringing back the answers every
6 time I make these comments, Maggie makes these comments, George
7 or the North Slope Borough Mayor makes these comments.

8 There are no bullets. I mean, that's -- and this is
9 a long time coming, that exploration is over, the real stuff is
10 here: production. In the Indigenous Species Act recently,
11 they amended it, as long as there is negligible impact that
12 something -- that these things are permissible. But how many
13 of these negligible impacts make up a impact? Now, these are
14 cumulative impacts, we call them.

15 And then I heard Maggie or George -- Edward made a
16 comment of an efficiency of 95 percent, 80 percent that there
17 won't be an oil spill. I just watched a NBA ball game today
18 saying the same numbers. This man has a 85-percent efficiency
19 to make his free throws, right there and in my very eyes, he
20 missed. In my very eyes.

21 UNIDENTIFIED MALE SPEAKER: Shaquille O'Neal.

22 BY MR. ARNOLD BROWER, JR. (Resuming):

23 Now, that's the efficiency you're talking about.
24 When does that 5 percent happen? Do you know? When does it
25 happen? Can you tell me that?

1 (No audible response - Pause)

2 Okay. Having no response, I take it that you were ignorant of
3 that question.

4 HEARING OFFICER: I.....

5 (Laughter)

6 HEARING OFFICER: I can answer, but I don't know that
7 the answer will be satisfactory. A very low-probability event
8 can happen. It's unlikely to happen, but it can happen.

9 BY MR. ARNOLD BROWER, JR. (Resuming):

10 Well, that's what I thought. These guys going to
11 win. It's the last quarter, and they got five more seconds.
12 This guy's 80-percent rated, and he missed. So the likelihood
13 of that, that's what I thought too, but he missed. So those
14 are the number games we're playing. That's the number game the
15 federal government's playing.

16 (Off record)

17 (Tape Change - Tape No. 2 of 4)

18 (On record)

19 BY MR. ARNOLD BROWER, JR. (Resuming):

20 ...there was no ice at all. I don't have to explain
21 over and over how the Inupiat Community of Arctic Slope is
22 original tribal government. It includes all of the villages of
23 Kaktovik, Nuiqsut. Anaktuvuk Pass, Barrow, Atqasuk, Wainwright,
24 Point Lay, Point Hope. All of the aboriginal people of those
25 villages are members of the Inupiat Community of the Arctic

1 Slope. And that's what we're all about, and we're protected
2 under ANILCA. The federal trust responsibility belongs to us
3 under the protection of the federal government. We want to see
4 that here from now on.

5 The boundary of the Inupiat Community of Arctic Slope
6 is north of the Brooks Range mountains. We have an
7 unextinguished claim of 35 miles of the Arctic Ocean, yet only
8 the federal government and the State of Alaska are pulling
9 strings against each other of which boundary of which -- which
10 drill rig is on their waters. These are unextinguished claims,
11 still in court, have never been settled. Is there a kitty, for
12 example? Can you ask me if monies have been put in escrow in
13 the event that ICS wins these in court?

14 HEARING OFFICER: I know of no such escrow.
15 BY MR. ARNOLD BROWER, JR. (Resuming):

16 Well, I just thought I'd remind you folks what's been
17 going on in the past because aboriginal Natives pass things on
18 from generation on down the line. They don't forget. The
19 Edwardson v. Morton (ph) case, an unsettled dispute. Is there
20 an escrow account set up for that?

21 Well, these are some of the benefits that we want.
22 We would like to see for all of our people up here so that we
23 can probably make some scientific statements with scientific
24 data to represent our interests to make sure that things that
25 you are proposing to do will not adversely affect our

1 livelihood.

2 An oil spill not contained will have a negative
3 impact on the subsistence way of life. That's number one.

4 Number two, there has been no reasonable proof of
5 capability to clean up oil spill in the Arctic Coast of Alaska.

6 The reason why I'm saying this, we, as the Inupiat Community
7 of the Arctic Slope tribal government oppose the proposed
8 Liberty Island development. We have already -- as Edward
9 indicated, we have been passive during the exploration stage to
10 allow exploration, just praying that there ain't going to be no
11 oil found. Lord blessed the country with some oil off shore
12 anyway. But that's what we got to live with, and that's what
13 we got to address, and that's what we're going to fight to
14 ensure that our livelihood is not altered. And that's what
15 we're all about.

16 As I indicated, ICAS is impacted already adversely in
17 its 638 contracts regarding Native allotments and environmental
18 assessments to review related impacts on our subsistence
19 territory on land and sea.

20 Number four, no funds are allotted to ICAS for
21 administrative costs to address unrelated costs under its 638
22 contracts.

23 Number five, social impacts are neglected during the
24 assessment of impacts to our residents that hunt under the
25 ANILCA rights to subsistence.

1 Number six, mitigations are not funded for ICAS. So
2 Bill and my staff at ICAS have to either make their own time or
3 divert our expenses for the social programs and equal cases and
4 realty programs that are impacted right now under the Borough's
5 programs under realty, to put water and sewer stuff into the
6 livelihood and each home of our Inupiat people. That's what
7 those contracts are for. They're not to address oil and gas
8 activities. So these supplemental funds are critical for us to
9 properly make our address to you and to the federal government.

10 Mitigations are not funded for ICAS for our whaling
11 deliberations when offshore activities affect the migration of
12 bowhead whales when the oil and gas industry launches out to
13 drill and explore for more oil. Now, that is over, it's still
14 continuing, I know, but the production, when it goes to
15 production and we must have those supplemental funds 'cause
16 we're going to now deal with this year to year, season to
17 season whether these things needs monitoring, investigating by
18 our staff or not.

19 ICAS is dealing with non-replacement of species from
20 normal hunting areas that are not mitigated or cultivated to
21 make available for renewable resources for subsistence hunters
22 on land or sea. Those are the things that are not funded.

23 Employment opportunities are not promised to our
24 Inupiat people, and funds are needed to train and supplement
25 our other work

1 for our people from the oil and gas revenues. This causes
2 social problems in view of the amount of work, employment, and
3 benefits from oil and gas ventures on the habitat areas of the
4 Inupiat people and the renewable resources on which we depend
5 on for our nutrition and dietary needs. So under this Public
6 Law 93-638, funding is -- vocational and educational training
7 are funded, but they're not funded to train for specific oil
8 and gas related jobs. They're trained for higher education,
9 plumbing or local things. So that has to be supplemented.

10 Now, the following is an outline of funds required to
11 supplement the 638 to better accommodate the impacts of oil and
12 gas business within ICAS boundaries:

13 For a realty officer with travel, lodging, and
14 meals -- this was a scenario put together real quick --
15 \$85,000. That includes the salary of an individual that's
16 primarily going to work on these issues with oil and gas
17 related, the cost of going to Prudhoe Bay, the cost of doing
18 other hearings with Nuiqsut, Atqasuk, Wainwright, or Kaktovik,
19 those related travel.

20 For an EPA officer with travel, lodging, meals:
21 \$85,000.

22 Council and administrative time and review, at least
23 four times a year, for our Council to even address these
24 things. We're not designed for that. They -- we estimate
25 \$75,000.

1 Investigations and research: \$65,000.

2 Employment and training programs: \$100,000 for all
3 villages.

4 Fish and wildlife management service, programs and
5 service, including some research and documentations,
6 we anticipate the cost \$85,000.

7 Administrative office, other duties as assigned
8 related to this, space for additional employees, and computers
9 related to that particular job: \$65,000.

10 Legislative, attorney, and lobby funds: \$145,000.

11 Tribal Operations: \$45,000 times eight villages is
12 \$360,000.

13 Oil spill response trainees, five in each village:
14 \$325,000. These five villages happen to be the ones, the
15 shoreline villages. If we want -- if we needed more personnel,
16 we can get the other two villages from Atqasuk and Anaktuvuk
17 Pass.

18 Administrative officer assistant to MMS, who is a --
19 who would be the Administrative Officer to oversee certain
20 things related to the project. I know that person, like NPRA
21 has Administrative Officer, a technical supervisor that will
22 work with that would be salaried at \$55,000.

23 Rentals and utilities plus all those things related
24 to travel, other things other than the personnel, would amount
25 up to about \$2,000.

1 Consultant fees for socioeconomic studies: \$15,000.

2 Consulting fees for habitat studies: \$26,000.00. Consultant
3 fees for audit and others would be \$25,000.

4 So in a quick scenario, thinking of these things for
5 cumulative impacts, for our operations, totaled to \$1.4 million
6 as the supplemental need for ICAS to address the year-long
7 activities, ongoing activities, related to MMS and NMFS on our
8 offshore and on our land in the Arctic Slope. This figure is
9 configured on North Slope Borough rates at 1999 costs,
10 extracted from a 1999 North Slope Borough budget book. ICAS
11 needs these funds to stay in tune with current offshore and
12 onshore oil and gas related events and activities. This
13 funding supplement for ICAS Public Law 93-638 contract is
14 needed to work with MMS and the federal government's venture
15 for oil and gas from the Arctic Slope region of Alaska.

16 Even this moment -- even this moment -- we've altered
17 our own activities. We are suppressed from our daily
18 preparations for whaling by this meeting just to accommodate
19 MMS personnel that has come here to solicit our comments,
20 concerns, and recommendations. Some of these guys over here
21 should be supervising cutting that ugruk skin that they're
22 sewing for the Umiat right now. But they have to suspend that
23 activity to accommodate your meeting. It impacts us greatly.
24 It might look like it's not -- it doesn't, but it does. That's
25 why it has so much social problems around here now.

1 I mean, what is my son thinking over here while I put
2 this preparation over here and he has to wait for me to get out
3 of here to do -- to continue the job? I mean, what's the
4 purpose of it all? You alter our lives. This oil and gas
5 activity alters our lives, our subsistence way of life. I want
6 you to understand that. I don't want to get this nitty-gritty,
7 but nobody's paying for my babysitting needs to be here for
8 you, to take over my leadership in the Umiat preparation. But
9 here I am.

10 In like manner, we divorce our 638 programs and
11 services to meet your concerns, proposals. No thought is made
12 to appease our troubles and adjustments for the government's
13 venture to explore for oil and gas on our land or sea. It
14 cannot be done that way much longer. We must -- you must --
15 the federal government must supplement our work. Our work and
16 research needs to be documented so that we also can live by
17 trial and error. Those things that we see.

18 So I'm -- tonight, as I give you this, the roughly
19 \$1.5 million request is a conservative figure because it does
20 not address the continuing research program and monitoring of
21 bowhead whales. It does not affect the research and monitoring
22 from other marine mammals, polar bears, seals, ugruks, and
23 fish, much less waterfowl. So this -- I'm telling you this
24 figure that I've just quoted you is a very conservative figure,
25 and I need funds to hire a consultant to adequately put

1 together a supplemental funding that will be represent our
2 needs, cost-wise, to work with MMS, to work with the federal
3 government, to work with the North Slope Borough, to work with
4 the State. This is -- we might always be opposing, but at
5 least we'll get some facts and scientific data done to support
6 our statements. And that's what the MMS needs, is scientific
7 data to support your ventures, whatever they are.

8 We continue to oppose oil and gas offshore, just like
9 Liberty, but I do support Maggie's comments that there is --
10 directional drilling can be done from a shore-based thing
11 because it's not that far. It's not in an unreachable
12 location, from Lib- -- the Liberty Project from a shore-based
13 rig.

14 Paul, I just want to emphatically state again that I
15 support the whaling captains and the Alaska Eskimo Whaling
16 Commission comments, and that I wish very much to be in working
17 relation with our federal government. And I pray that you will
18 convey this to somebody if you cannot make these adjustments
19 and give me answers regarding the supplemental request, that
20 somebody in authority will be spoken to, will be addressed to
21 our -- on our concerns.

22 As I made these comments, I didn't put a cc to
23 Senator Stevens; however, I will go back to my computer and cc
24 Senator Stevens, Senator Murkowski, Congressman Young, Gale
25 Norton. And I don't want to trouble our Dick Cheney too much

1 because of his heart condition, but I think that you see where
2 I'm coming from. This is very serious statements that we make,
3 and we wish to be heard, and our concerns, we'd like a real --
4 I'm sure that the North Slope Borough would request a similar
5 amount for their activities because they have a comprehensive
6 research staff in their Wildlife Department.

7 And I thank you for this opportunity.

8 HEARING OFFICER: Thank you, Arnold. I would like to
9 make one observation, and that is one of the roles of Albert
10 Barros as Community Liaison.....

11 MR. ARNOLD BROWER, JR.: Mm hmm (affirmative).

12 HEARING OFFICER:is to work in this area of
13 assistance to the Native Village of Barrow, to the Inupiat
14 Community of the Arctic Slope and what have you. And so I'm
15 going to make sure that Albert gets a copy of this and is able
16 to send it to his -- some of his contacts. Not that he can
17 deliver, but that he can forward that kind of request. And
18 I'll be sure that that's done, too.

19 MR. ARNOLD BROWER, JR.: Well, having that not -- you
20 perked my mind to get more interested in that. Now, who
21 would -- can I get some names that we can forward this to the
22 appropriate agent or person?

23 HEARING OFFICER: Albert, do you have that off the
24 top of your head, or can you supply that to Arnold Brower?

25 MR. BARROS: Yeah. I will. But it is -- Secretary

1 Norton will be coming into Anchorage, and I've heard that she
2 will be coming up into Barrow. And I would encourage you to
3 fax her a copy of your statement and then email it to her and
4 then also to request some time with her when she does arrive up
5 here, 'cause that is your right as a tribal government, is to
6 request time from her as Secretary of Interior, to meet with
7 you to discuss your concerns. So I would encourage you to do
8 that and let your voice be heard by the Secretary.

9 MR. ARNOLD BROWER, JR.: Thank you, Albert and Paul.

10 I don't want you to take that as -- for you to neglect the
11 statement because it's going to be forward and simple in
12 itself.

13 HEARING OFFICER: Oh, no. No, no. That is part of
14 the record, and we -- I don't know if I mentioned this earlier.

15 I think I did, but that when we get questions and requests and
16 such, we will address them in the Final Environmental Impact
17 Statement as part of this process.

18 MR. ARNOLD BROWER, JR.: All right.

19 HEARING OFFICER: We may send them elsewhere, too.

20 MR. ARNOLD BROWER, JR.: All right. Thank you.

21 HEARING OFFICER: Are there any -- excuse me. One --
22 are there any questions for Arnold before he -- yes. Are you
23 willing to take a few?

24 MR. ARNOLD BROWER, JR.: Yeah. As a matter of fact,
25 I will go -- go ahead, Rex.

1 MR. OKAKOK: Rex Okakok, for the record. You
2 mentioned the fact that if this was -- this Liberty Project was
3 not consistent with your ordinances, that your not going -- who
4 are you elevating it to? Is that what you were referring to
5 when you talked about elevation?

6 MR. ARNOLD BROWER, JR.: Yeah. In a way, yeah.

7 MR. OKAKOK: Like here, in with Alaska Coastal
8 Management Plan, you know, it's goes up the steps all the way
9 to Secretary of Interior. Are you referring to that in this
10 paper, that if it's not consistent with.....

11 MR. ARNOLD BROWER, JR.: No. I didn't make that
12 because I failed to mention a couple of things in my statement
13 because I -- this was under a time constraint.

14 Paul, while I have the floor -- have the mike, I want
15 to state in record that the Inupiat Community of Arctic Slope
16 is in fact considering now Inupiat Community of the Arctic
17 Slope Coastal Management Plan so that we fall also under the --
18 be privileged to be eligible for the CARA funds. But we want
19 to be supplemented in our contract on top of that. I think
20 these are -- these go -- these may go hand in hand. And we are
21 working to develop and pass an ICAS Coastal Management Plan.

22 HEARING OFFICER: I was unaware of that. Thank you
23 for letting me know that.

24 MR. ARNOLD BROWER, JR.: Thank you.

25 HEARING OFFICER: One quick question 'cause I know we

1 have others who want -- yes, please.

2 MR. HOPSON: You mentioned an undistinguished right
3 to 35 miles offshore, and where is that going to lead to? Does
4 that just sit in steel, or is ICAS going to push that to any
5 limit?

6 MR. ARNOLD BROWER, JR.: At this stage, ICAS is still
7 in its infancy, and however, I'm just -- because these are
8 under our authority and our right, I make those comments. When
9 we are in a better situation, we will begin to address those
10 things. As of -- as we speak, because the trust responsibility
11 agent is not here, we don't have our attorney, per se, here;
12 only the federal government has an attorney, in fact, to
13 represent them. He may not be here, but they do have one on
14 staff.

15 So the -- we are -- it's not -- we're not being
16 passive because back in 1983, ICAS had went bankrupt, and that
17 was the cause of -- it just stopped there because of that. So
18 we wish to continue and pursue the rights of the Inupiat people
19 fully when we're able to.

20 MR. HOPSON: I have one more question. There was a
21 lot of talk concerning opposition to Liberty and general
22 offshore development, and even talking about trying to get a
23 moratorium on any offshore in the Beaufort Sea. Is ICAS --
24 would be in a position to support -- I think I've heard some
25 talk on a bowhead whale.....

1 MR. ARNOLD BROWER, JR.: Deflection?

2 MR. HOPSON: No. It's a designation of a special
3 area.

4 MR. ARNOLD BROWER, JR.: Habitat.

5 MR. HOPSON: Critical habitat designation that I
6 think -- I don't know if it's Fish and Wildlife or somebody
7 else that's doing that, but I've heard that. And a few months
8 ago, I think maybe six months ago, that that -- somebody was
9 pushing that.

10 MR. ARNOLD BROWER, JR.: We are not part of that
11 because of implications to -- we don't need to apply additional
12 rules and regulations to our subsistence way of life. I think
13 that will be foremost in our planning strategies that because
14 if it's going to have another ruling and a particular way for
15 us to hunt, then we certainly don't look forward to that at
16 all. But as far as Liberty, we oppose that because three
17 negligible impacts makes a great impact. Cumulative -- that
18 is, when they become cumulative, then whales will no longer
19 pass through there. So that's the justification that we feel
20 that additional offshore rigs like that will alter the natural
21 migration of bowhead whales.

22 HEARING OFFICER: I'm a little concerned about our
23 timing. If you have a very short question, it would be the
24 last one for Arnold.

25 MR. TEGOSEAK: Just a response to the question that

1 was asked here. There's already some discussion about
2 designating that area that's being explored offshore as a
3 critical habitat simply because federal law has already been
4 circumvented with Northstar with the intent of developing.....

5 MR. ARNOLD BROWER, JR.: This is just a comment.

6 MR. TEGOSEAK:(indiscernible) and also with the
7 intent of developing this particular project.

8 HEARING OFFICER: Thank you. Okay. Would you go
9 ahead and sit down and testify? Give your name for the record,
10 please.

11 PUBLIC TESTIMONY OF MR. FRED S. KANAYURAK

12 Good evening. Welcome to Barrow. My name's Fred
13 Simik Kanayurak. I'm one of the whaling captains here from
14 Barrow. I'm sorry I cut the line on these two young fellows,
15 but I think they won't mind.

16 I just want to simplify what all this is all about.
17 I read through the material that Maggie had sent to us. We are
18 with Alaska Eskimo Whaling Commission, all the other whaling
19 communities are. We pressure (sic) our culture and our values.

20 Let me simplify this, maybe to show you -- it'll
21 stick to your mind. Like Mayor -- City Mayor was mentioning
22 about a dream or something, but this person had a dream. He
23 went to one room, and there was bunch of people sitting around,
24 and there's hardly any smile. They were skinny. They weren't
25 even happy. They had big pot of soup right in the middle of

1 them, but their spoons were about that long. They'd tip in,
2 but they couldn't feed themselves. They were unhappy, skinny.

3 Let me go -- let's sneak over to the other room.
4 There was same amount of people with same food right in the
5 middle amongst them, with long spoons. They were well fed,
6 happy, singing, smiling. They tipped that long spoon and feed
7 each other. This is our culture. We help each other.

8 I'd rather do subsistence, preserve our whales, than
9 make money out in the oil fields, make little bit of money,
10 which will exhaust in no time at all when I go over to the
11 store and buy a gallon of water for almost five bucks. These
12 are some things that's already in place, our culture and our
13 values. We help each other out. We want to be happy.

14 If there was a major oil spill, we'd be in the same
15 condition like that first room, everybody unhappy, nobody
16 smiling. Otherwise, we share. We share our values, our
17 culture. That's where we'd like to be. It's all in what
18 Maggie has been saying.

19 I was eating before I came by, and then I thought
20 about the other day, about a major oil spill. I wanted to stop
21 by the store and buy me a couple of popsicles that a couple of
22 you suck on, they're in colors. Right? And I sampled a little
23 bit of ice and soaked it in Kool-Aid, and it soaked, the
24 coloring that's on there. You suck on that piece of ice; the
25 color won't come off. It'll take long time. Finally, you no

1 longer have ice. Spread all over your mouth, that color.
2 That's what oil spill is.

3 You think you take care of it, but it's hidden.
4 Another example is -- one more example, and I'll go on. You
5 soil a piece of object, and then you get a rag and it looks
6 real clean and shiny, right? Like say, like Arnold was saying
7 about skinning his skin boat. The frame, it's really smelly
8 'cause you have to just get that thing rubbed in that skin
9 before you scrape it and everything. You take shower, you look
10 clean, but you sit among everybody here, you still smell it.

11 What I'm saying is you clean that object; to your
12 naked eye, it's real clean and shiny and everything else. You
13 stick it close to your nose, you're telling me a lie. You
14 can't clean that oil spill. Thank you.

15 HEARING OFFICER: Thank you very much. Ronald.

16 PUBLIC TESTIMONY OF MR. RONALD BROWER, SR.

17 Good evening. My name is Ronald Brower, Sr. Among
18 my other responsibilities, I'm also the AFN Village
19 Representative for the North Slope villages to the AFN Board.

20 So as I look at this, your document, your need and
21 purpose for the Liberty Project is really against the direction
22 that the Inupiat people of the North Slope would like to see in
23 the direction for oil development because it is being addressed
24 as a -- under the Outer-Continental Shelf Act, to explore for
25 and develop offshore mineral resources.

1 We would have a very high objection for the U.S. to
2 satisfy its demand for domestic oil and decrease its dependence
3 of the United States to foreign oil imports by drilling in some
4 of the most dangerous and negative -- potentially very highly
5 negative impact areas which affect our people, not only in
6 Alaska but other indigenous peoples around the Arctic regions.

7 Any oil spill that occurs in the Arctic will spread
8 to other countries just by the natural flow of -- in the
9 movement of the Arctic Ocean. And I think the Naval Arctic
10 Research Laboratories have -- in their research, have proven
11 that time and time again in the use of ice islands that rotated
12 around the Arctic region. They come around Barrow going to
13 Canada, past Greenland, past Falseborg (ph) into Russia, and
14 when they get out of Russian areas, we hop them -- hop back on
15 them. And that tells you that these -- the ice and the
16 movement of the Arctic Ocean is rotating frequently. So it
17 would have an international impact.

18 As I look through your proposal, I notice that you
19 anticipate, over time here, small oil spills averaging to about
20 29 gallons of fuel. I assume, in reading your document here,
21 offshore or onshore oil spills, we find 53 spills equalling to
22 29 gallons. That's small, but when you're looking at the large
23 oil spills, this is one of the most dangerous effects that
24 will -- (clearing throat) excuse me -- that will impact our
25 marine mammal systems.

1 And I was looking at your -- the impact on the
2 bowhead whale, reading,

3 "Some of these whales likely would experience
4 temporary non-lethal effects, including one or
5 more of the following symptoms...."

6 Reading from your document:

7 "...oiling their skin causing irritation."

8 It will not just cause irritation. It will remove and eat the
9 skin of the whale. Look at what other oil spills have done to
10 other animals, and that should be a clear lesson. It's been
11 proven.

12 I don't concern too much with inhaling hydrocarbon
13 vapors. That is also lethal. If whales are around this oil
14 spill, and if they're entrapped in it, whales and other marine
15 mammals certainly will die. And there's no question. Sea
16 otters have proven that in the Exxon Valdez oil spill.

17 Ingesting contaminated prey kills any other living
18 form, especially if it's oil.

19 Fouling of whale baleen of the bowhead whale
20 certainly will kill that animal, not only by ingestion and
21 poison, but also by starvation.

22 So these are not symptoms per se as they're described
23 here. This document minimizes the true effect to be symptoms
24 when they are, in effect, lethal and deadly. The only symptom
25 we're going to see is a dead animal. And I think this is very

1 wrong to minimize the potential impacts of a large oil spill.

2 We know what large oil spills have done, not only in
3 America, in Alaska, in Spain, in South America. Every one of
4 those have been lethal, and there's no question about it. And
5 to describe it in this manner is ludicrous of you and is a very
6 irresponsible act on your part.

7 Looking at our sociocultural systems, your
8 description of the effects on the -- of offshore oil
9 development, including Liberty Project, you define it as having
10 a minimum impact. But you also, in your document, miss a very
11 significant public law, Public Law 104-270, which is the United
12 States Congress Alaska Natives Commission and their report.
13 And some of their -- and this report has been remanded for
14 implementation to AFN. And so it's from there that I'm looking
15 at this.

16 Subsistence is one of the most important things up
17 here. And in this description, I read:

18 "Alaska Inupiat Natives, a recognized minority
19 population, are the predominant residents of the
20 North Slope Borough, the area potentially most
21 affected by Liberty development. Inupiat
22 Natives may be disproportionately affected
23 because of their reliance on subsistence food,
24 and the Liberty development may affect
25 subsistence resources and harvest practices."

1 There's no question about the impact. It will. There's no
2 "may" to that question. And I read to you from the Public
3 Law 104-270:

4 "Protecting the subsistence hunting and fishing
5 rights of Alaska Natives and other rural
6 residents. The right to adequate food for
7 oneself and one's family is a human right
8 enumerated in the universal declaration of human
9 rights of the United Nations charter. Moreover,
10 the protection of aboriginal practice of
11 subsistence hunting and fishing in Alaska is now
12 the law of the land."

13 And I want to reiterate that:

14 "Moreover, the protection of aboriginal practice
15 of subsistence hunting and fishing in Alaska is
16 now the law of the land."

17 And it is your responsibility, in this document, to protect our
18 subsistence lifestyle here.

19 As noted by the Alaska Native Commission -- this is
20 the United States Congress Alaska Native Commission:

21 "Subsistence is a critical part of the larger
22 historical question about the status, rights,
23 and future survival of Alaska's aboriginal
24 peoples."

25 In this case, us.

1 "The economic and cultural survival of Native
2 communities is the principal reason why Congress
3 enacted its rural subsistence priority in 1980
4 by articulating the federal government's
5 traditional obligation to protect indigenous
6 citizens from the political and economic power
7 of the non-Native majority."

8 And that is Liberty in this case.

9 Title 8 of ANILCA constitutes a landmark of Indian
10 law. Such congressional action was constitutional and
11 appropriate, and it should be applied here. You know, without
12 a State rural subsistence statute, Alaska is out of compliance
13 with ANILCA and the requirements of federal law because
14 Alaska's legislature has refused for 10 years now to submit to
15 the voters a constitutional amendment that would allow a rural
16 priority in state law.

17 The federal government has taken over regulation and
18 management of subsistence hunting and fishing on all federal
19 public lands and waters. So when you look at that, you neglect
20 a very important role of the federal government in its trust
21 responsibility to the Inupiat people here as the indigenous
22 inhabitants, and it is a serious oversight which should not be
23 overlooked in your Final EIS statement.

24 Therefore, I strongly recommend, as voiced by all of
25 the residents here, both indigenous and non-indigenous, that

1 OCS program in the Arctic Ocean should cease, and use the other
2 resources available on land to achieve this end product, which
3 is to provide the United States with a source of domestic oil.

4 Thank you.

5 HEARING OFFICER: Thank you very much. Would you
6 take any questions, if there are any.....

7 MR. RONALD BROWER, SR.: Sure.

8 HEARING OFFICER:from people? Anybody has a
9 question that they would like to address?

10 UNIDENTIFIED FEMALE SPEAKER: None.

11 MR. RONALD BROWER, SR.: Thank you.

12 HEARING OFFICER: Thanks, Ronald.

13 (Pause)

14 MR. OLEMANN: Good evening.

15 HEARING OFFICER: Good evening.

16 PUBLIC TESTIMONY OF MR. FORREST D. OLEMANN

17 Excuse me. I didn't plan on coming up here, but
18 before I get started, for the record, my name is Forrest Dean
19 Olemann.

20 Like I said, I wasn't planning to come up here to
21 make any comments, but I couldn't help but -- I'm thinking
22 about all the comments that were being made and the numbers
23 that were being thrown out there, and it got me thinking about
24 when I was growing up and the documentaries and movies that
25 were shown on how when the United States was going to war, and

1 they're warring, and all the generals would get together behind
2 closed doors and discuss certain scenarios as to what the
3 acceptable casualties would be in battle.

4 And it reminded me of the numbers that were being
5 thrown out here, that 100 percent, 95 percent. And in
6 reviewing some numbers that the probability of 1 percent of a
7 large spill happening here, I think needs to be better defined
8 as to what parameters are you dealing with? Are you dealing
9 with a hundred years of pumping and only one spill will occur?
10 Or are you saying that two hundred years of pumping, one spill
11 will occur?

12 I think there needs to be a better definition as to
13 what 1 percent really means. And if that 1 percent occurs, is
14 there a plan in place to establish and formulate and implement
15 the plan that'll put monetary damage to what that 1 percent has
16 caused. And in that plan, does the monetary payments go to --
17 directly to the people? Does it go to the tribal governments?
18 Does it go to the municipal governments? What is that plan?

19 I think there were lessons that were learned from
20 what happened down in the Prince William Sound, but I think for
21 the people's benefit that are going to be greatly impacted if
22 that 1 percent ever occurs, that they need to understand what
23 does 1 percent really mean. Thank you.

24 HEARING OFFICER: Thank you. Would you be willing to
25 take any questions from anybody who might have them?

1 MR. ARNOLD BROWER, JR.: Could you repeat that?

2 (Laughter)

3 MR. OLEMANN: (Laugh) Do not despair.

4 HEARING OFFICER: Arnold, you had a question for
5 Forrest?

6 MR. ARNOLD BROWER, JR.: I'm thinking in your
7 recovery of damages for an implication like that, that he's
8 thinking of a scenario that happened in that 1 percent, the
9 cost of damages. One billion dollars? And if so, is that for
10 a single year or that you will be taking away from our
11 subsistence way of life for one year? Because the quota is
12 lost, and we won't be able to hunt marine mammals for a year
13 under this -- a supplemental thing, that this can be -- I don't
14 know if you can perceive it. Are you talking damages to be
15 addressed?

16 HEARING OFFICER: I'll do what I can. I don't have
17 all the answers. First, with respect to your question about
18 1 percent, I think the reference in that document is to a 1-
19 percent chance of a spill in the lifetime of the Liberty
20 Project, which is designated as 15 years. Is that what it's --
21 it's the -- that's what that 1 percent, I believe, refers to.

22 MR. OLEMANN: Okay. And then from the first part of
23 my comments, that the generals behind closed doors said those
24 were acceptable numbers for casualties. Now I'm here to ask,
25 is that 1 percent acceptable to MMS?

1 HEARING OFFICER: Well, that's a question that is, I
2 think, a pivotal question, and that is the question that the
3 decision-maker, when they read the EIS and need to make the
4 decision, has to make, implicitly has to make. So I don't
5 think at this point that there's an answer to that. I think
6 the point is, when the decision-maker makes the decision -- and
7 there's more than one. There's MMS has -- has to make a
8 decision, the Corps, and EPA have to make decisions.

9 MR. OLEMANN: The generals.

10 HEARING OFFICER: But that's when that -- the rubber
11 meets the road, so to speak, on that. With respect to the
12 compensation if there is a damage from -- if there is damages
13 from an oil spill, OPA '90, the Oil Pollution Act of 1990, is
14 the principal vehicle. And I think there are some other
15 vehicles, and I wish I were better educated on them, but I
16 think that's the principal vehicle by which funds can be
17 distributed to injured parties.

18 But I can't answer how and to whom. I can't answer,
19 at this point -- we'll try to get answers so that we can have
20 them in the FEIS. I can't answer the duration issue that you
21 raised, Arnold. But we will seek those answers and attempt to
22 get them in the FEIS. Maggie.

23 MS. AHMAOGAK: Maybe in that line, while we're in
24 discussion of that oil spill and the compensation section of
25 it, AEWC, with our legal counsel, have been trying to

1 understand how OPA '90 works. You have Minerals Management,
2 within its compensation section, has 150 million cap on each
3 permit that you -- like Northstar, the cleanup monies that are
4 capped into there plus your compensation of -- for persons that
5 are damaged by the oil spill who are commercial in nature
6 within that OPA '90.

7 For that reason, the AEWG and -- have requested some
8 kind of a insurance or a trust account to be set up for a
9 community for protection of the culture and our traditions and
10 our -- the bowhead quotas that we have. If we're not able to
11 feed or go harvest our bowheads, then that somehow must be
12 addressed. And maybe that's the reason why, in our AEWG
13 comments, we have said that conflict avoidance issues and the
14 OPA '90 did not clearly mitigate what we actually want as an
15 insurance bond for the whaling communities.

16 HEARING OFFICER: Okay. Thank you.

17 MS. AHMAOGAK: It is something that needs to be
18 addressed.

19 HEARING OFFICER: Okay. Thank you for clarifying
20 that, Maggie.

21 MS. AHMAOGAK: Mm hmm (affirmative).

22 HEARING OFFICER: Arnold.

23 MR. ARNOLD BROWER, JR.: I just want to state for the
24 record that ICAS also adopts that -- Maggie's comments on
25 OPA '90, but we feel that 150 million is inadequate and that

1 while we desire to have a comprehensive socioeconomic studies
2 funds so that we can come up with a more reasonable consensus
3 on this of the implications of what happens if there is no more
4 quota and we are suspended from aboriginal hunting.

5 HEARING OFFICER: Understand.

6 MR. ARNOLD BROWER, JR.: And that's the real thing
7 that we're -- we might even conquer. We may conquer it real
8 soon. And that's, we need to mas- -- we need a plan.

9 HEARING OFFICER: Okay. Thank you.

10 MR. OLEMANN: And I think, lastly, I would like to
11 just add that -- and it would seem that there has been years
12 and years of testimony, with projects being approved
13 nevertheless. But I think it would be important for future's
14 sake that a study -- and here we go again with studies -- that
15 show, over the course of time, what have been the acceptable
16 casualties in this case, and that I think it's very important
17 that people look at this and understand that what they are up
18 against when they walk into a room like this, when they give
19 testimony. Thank you.

20 HEARING OFFICER: Thank you very much for providing
21 your testimony.

22 MR. OLEMANN: All right.

23 MR. BRIGHT: Paul, I have a question.....

24 HEARING OFFICER: Yes, Larry.

25 MR. BRIGHT:for Forrest, if I may. I think

1 your question.....

2 HEARING OFFICER: Why don't you just state your name.

3 MR. BRIGHT: Oh. Larry Bright, Fish and Wildlife
4 Service out of Fairbanks. Your question with regard to the 1-
5 percent risk or 1-percent probability of a spill, I think, is
6 an appropriate question. And I think, you know, maybe
7 everyone, or most of us, probably have a different idea of
8 what's an acceptable risk for oil spills or for auto accidents
9 or the risk of cancer or whatever it might be. So I guess I'd
10 like to turn that question back to you and ask you, do you
11 think it -- in the Draft EIS, it presents 1 percent,
12 1 to 6 percent, some places 1 percent and others as the
13 approximate risk of an oil spill with regard to Liberty, the
14 Liberty Project. And to be quite honest with you, it presents
15 that as a low figure.

16 But most importantly, really, is what do you think?
17 Do you think -- is that low to you? That's one chance out of a
18 hundred. That's what that is. Through the life of the
19 project, one chance out of a hundred that we'll have a major
20 oil spill with the Liberty Project. Is that an acceptable risk
21 to you as a resident of the North Slope Borough? That's -- I'm
22 truly curious.

23 MR. OLEMANN: I have to do what I was taught growing
24 up, that the elders that have spoke to us as we were growing
25 up, that nothing can replace what God has given us. And that

1 would be my answer, would be there is no acceptable number.
2 Thank you.

3 HEARING OFFICER: Thank you very much. Yes, please.

4 PUBLIC TESTIMONY OF MR. BILL TEGOSEAK

5 Good evening. I'm Bill Tegoseak, and some of you may
6 know me. I am the original instigator for the initial lawsuit
7 of the Northstar activity. And in addition to that, I
8 encouraged and became also a part of it in the additional
9 lawsuit for the concept of the McCovey Project. And certainly,
10 I want to place everything in black and white at this point.
11 Liberty will also face another lawsuit.

12 I want to speak on a number of issues here, and
13 address a number of things, and I'm certainly glad that our
14 tribal President preceded me because I was wondering whether
15 I'd be making some comments which may be contrary to what our
16 leadership tradition may be.

17 I am the interim Executive Director also of the
18 Inupiat Community of the Arctic Slope, and for the past four
19 years I've been involved as Tribal Environmental Officer for
20 two tribal governments: the Native Village of Barrow and,
21 again, as Environmental Officer for Inupiat Community of the
22 Arctic Slope. There are a number of issues I want to address
23 to you this evening.

24 First of all, I wanted to give you some indication of
25 how the Native community has been dealt with in terms of our

1 concerns on, particularly, the Northstar Project at this point.

2 And I want to remind you that on March 31 of last year, as me
3 and my colleague, Joe Akpik here, visited the Northstar site.
4 We were given -- basically given the designation as potential
5 terroristic threats simply because we went over there to the
6 Greenpeace camp to see whether or not the location of the
7 Northstar Project was in fact in line of the migration of the
8 bowhead whale. And certainly, it was.

9 And in addition to that, of course, immediately after
10 construction of the Northstar Project, there was an addition --
11 there was a request by Western Geo to do some seismic activity
12 east of the Northstar Project. And their request to circumvent
13 federal law to do that seismic activity was presented to the
14 Minerals Management Service to do seismic activity and to --
15 even up to the point of requesting permits for incidental take
16 of the bowhead whale. I'm sure that some of you remember that.

17 I did express my opposition to that to Kenneth Hollingshead
18 and asked that he submit my comments to Donna Whiting in
19 Washington, D.C. I have never heard anything back.

20 Now, I'd like to address a couple of the things in
21 terms of tribal governments and their relationship to Minerals
22 Management Service at this point because my understanding is
23 that Minerals Management Service is a subsection of the
24 Department of the Interior. Is that not right?

25 HEARING OFFICER: That is correct.

1 BY MR. TEGOSEAK (Resuming):

2 And under those circumstances, the Department of
3 Interior's trust responsibility to tribes is to protect the
4 health and the welfare of the tribes and the subsistence
5 activity of those tribes. Is that not correct?

6 HEARING OFFICER: I believe that is correct.

7 BY MR. TEGOSEAK (Resuming):

8 Thank you. I would like to begin by explaining what
9 government-to-government relationships means in regards to our
10 relationship to the United States government. I am deeply
11 offended to read in some of these reports that Minerals
12 Management Service has in fact conducted government-to-
13 government relationships with ICAS in Barrow. That is
14 positively not the case.

15 Government-to-government relations is something which
16 is sovereign to tribes. You and I can't sit here as paid top
17 guns to discuss the issues of offshore activity because we are
18 not policy makers. We're paid to do this. The policy makers
19 are people like my tribal President here and the twelve members
20 of the Executive Board that makes up our regional tribe. Their
21 counterpart is a higher-level liaison than any of you sitting
22 here can fill. Nor can Albert Barros fill that position. The
23 counterparts happen and government-to-government relations
24 begin to exist when two bodies agree, through policy-making
25 decisions, on certain factors that may affect the continuation

1 of, in this case, the Liberty Project. We don't have that
2 authority as paid servants in this case.

3 So I want to make sure that when Minerals Management
4 Service comes here and says, 'Yes, we have conducted
5 government-to-government relationships,' I want this
6 organization, each and every individual, and particularly you
7 people, to understand this is not government to government.
8 When policy decisions are made, when higher-level senior
9 liaisons from Washington, D.C., the Department of the Interior,
10 sits down with the regional government of the Inupiat Community
11 of the Arctic Slope, that is government-to-government
12 relations.

13 There are some issues that I wanted to bring up at
14 this point in reference to potential development of offshore
15 activity. And I want to refer onto some issues that have been
16 addressed here most recently with the Northstar Project because
17 they will basically have a reflection on how Liberty may be
18 constructed, if it gets to that point.

19 You see, British Petroleum entered into an agreement,
20 a 15-year agreement, or made plans of a 15-year agreement, for
21 temporary water use in the construction of the ice road out to
22 the Northstar Project. Is that not correct?

23 HEARING OFFICER: I believe that's correct, but I'd
24 rather defer to BP to see, 'cause I'm -- did you.....

25 MR. TEGOSEAK: In the plan.....

1 HEARING OFFICER: Did you hear the question?

2 MR. FRANKLIN: Well, I -- if he would repeat it
3 again.

4 HEARING OFFICER: Could you.....

5 MR. FRANKLIN: The question on our agreement on water
6 use.

7 BY MR. TEGOSEAK (Resuming):

8 Yes. BP provided a 15-year plan for water use in the
9 ice road construction to the Northstar Project. And in any
10 case, the plan, in itself, did not work simply because BP used
11 up the State's allocation for BP, the numbers of gallons that
12 were needed for a fifteen-year period, over a two-year period.

13 In essence, BP will have to determine exactly how much more
14 water is going to be used during the dur- -- during the life
15 span of the Northstar Project.

16 What we are saying here is that BP has forced the
17 State to reconsider how the State will regulate temporary water
18 use permits and construction of ice roads. Essentially, BP did
19 not comply with State regulations in terms of providing
20 environmental assessments in those areas where water was
21 extracted. That has to happen. These are State requirements;
22 BP must comply with those. That didn't happen. So these are
23 things that need to be discussed in terms of protecting the
24 interest of the Arctic Ocean that our people depend on for
25 subsistence.

1 Now, in terms of addressing the need for oil
2 offshore, there is absolutely no need to do that because there
3 is no national security need to do it at all. The only reason
4 offshore activity is happening is for personal greed of the oil
5 industries that want to profit from offshore activity. There
6 is no national need.

7 Now, my opposition for any offshore activity, and
8 particularly for Northstar, is based on three very important
9 factors to date. Those three factors include the three
10 attempts to prove to the North Slope communities, to the State
11 of Alaska, to the nation that oil industry does have a viable
12 contingency plan for cleanup. And I'm sure that if Jim McHale
13 were here today, with Alaska Clean Seas, the environmental
14 janitor for BP, he would come in -- if he were asked, Did you
15 succeed in showing that there is a contingency plan for
16 cleanup, he would answer no all three times because some of the
17 equipment that was designed to react to any offshore activity
18 could not even leave shore.

19 Now, if Northstar can't be cleaned up, if there is no
20 contingency plan, how do you plan to address any spill,
21 accident on either McCovey or Liberty? Presently, there is no
22 cleanup plan. You don't have the technology to do this. It
23 doesn't exist.

24 Now, it is -- again, I want to remind Minerals
25 Management Service that Minerals Management Service is required

1 to analyze the environmental effects of BP's proposed action.
2 That has to happen. You also need to protect the interests of
3 these communities. Each and every community that you have
4 visited to date, to Barter Island, I understand, several days
5 ago, to Nuiqsut a couple of days ago, and here today, you have
6 gotten a message across. The message is clear: Nobody that
7 depends on subsistence activity in the North Slope will support
8 any offshore activity. None whatsoever. Simply because there
9 is too much danger to the natural resources we depend on for
10 subsistence year around.

11 And keep in mind that a community such as Nuiqsut was
12 deeply offended that a subcontractor for an oil industry would
13 request a circumvention of federal law so that seismic testing
14 could be done right in the middle of their only whaling season
15 during that year. I want to make sure that it's very clear
16 that this community, that all the other eight communities, are
17 completely against offshore activity because there is no
18 cleanup plan. If you do have one, I want to hear about it now.

19 (Pause)

20 HEARING OFFICER: Well, I'm taking that as a
21 question, with respect to hearing about it. My understanding
22 is that, as BP said, the revised C Plan for Northstar is to be
23 available for review in the end of July. The -- whatever is
24 done for Northstar is going to be, as I understand it, a first
25 order approach for the C Plan for Liberty. Is that a

1 reasonable statement, Luke?

2 MR. FRANKLIN: That's correct.

3 MR. TEGOSEAK: Could you restate that?

4 HEARING OFFICER: Yes. My understanding is that the
5 C Plan that BP plans to submit for Northstar is the first order
6 approximation of what the C Plan would look like for Liberty.

7 UNIDENTIFIED FEMALE SPEAKER: What is a C Plan?

8 HEARING OFFICER: Oh, I'm sorry. It's an oil spill
9 contingency plan. Basically, how do you clean up oil? I can't
10 speak about the issue of oil spill cleanup for McCovey.

11 McCovey's an exploration well, which is kind of fundamentally
12 different from a development well or from development and
13 production. And I don't know what the -- I'm just ignorant of
14 the legal requirement, at this point, of what is needed for
15 McCovey. Maybe somebody in the room knows, but I don't, no.
16 So I can't answer that part of it.

17 BY MR. TEGOSEAK (Resuming):

18 Final comments. I wanted to make sure that my
19 frustration over the issue of offshore activity and the
20 relationships and discussions about tribal governments, I am
21 really offended over that simply because we have sat here for
22 years and years. We have lived here in this area for a minimum
23 of 5,000 years. What the oil industry has said in terms of,
24 'Well, we have conducted government-to-government relations,'
25 is in reference to public meetings such as this.

1 The government, the sovereign tribal government of
2 the Inupiat Community of the Arctic Slope is when the Board
3 members convene and when your policy makers come to that
4 meeting and we make some decisions. It doesn't happen here
5 because if you think that this is a government-to-government
6 relation, then you pass on the mantle of governmentship, which
7 is basically the mantle of tribal governments onto others that
8 are not tribal members.

9 HEARING OFFICER: Bill, we don't view meetings such
10 as this hearing on Liberty DEIS as a government-to-government
11 meeting. We understand the point you made about how you view
12 government-to-government, and that we feel that such meetings
13 are done between an agency and the Native entity, be it the
14 Inupiat Community of the North Slope or -- of the Arctic Slope,
15 excuse me -- or the Native Village of Barrow or whatever. You
16 know, I mean, it would be between that entity and the federal
17 agency. It would not -- we don't -- we agree with you, this is
18 not a government-to-government meeting per se.

19 BY MR. TEGOSEAK (Resuming):

20 One avenue -- one last comment. One avenue that I
21 will pursue as interim Chief Executive Officer for this
22 regional tribal government, because we, at some point in time,
23 do represent all eight village tribal governments. We have to
24 at some point in time, but only when we're asked to do that.
25 But because of the importance and the overwhelming displeasure

1 at any discussion of offshore activity from all tribal
2 governments, we will recommend, through the regional tribal
3 government, that all villages pass supporting resolutions in
4 not favoring any offshore activity from all eight villages.
5 And I hope the message is heard.

6 HEARING OFFICER: I believe your message is well
7 heard. Thank you. Yes. Good.

8 PUBLIC TESTIMONY OF MR. GORDON BROWER

9 Hello. My name's Gordon Brower. I'm a resident here
10 in Barrow, and also part of a whaling crew member of my Dad's,
11 Arnold Brower, Sr. And I also work in Land Management for the
12 North Slope Borough. And I'd just like to make a few comments
13 relating to firsthand experience with oil industry and their
14 activities out in Prudhoe Bay.

15 Having watched those for a number of years, and the
16 amount of oil spills that occurs out in the oil fields is
17 something I've seen over the time I've been in Planning. And
18 oil spills at the -- the size ranges that are predicted to
19 happen, 29 gallons, or another scenario of some sort, I think
20 those are downplayed too much to try to minimize and make an
21 acceptable EIS. When you have this kind of event on land that
22 happens, things that you can inspect, things you can see, and a
23 lot of them deal with human error, a lot of them deal with
24 equipment failure, valve failure, and corrosion and stress on
25 pipes.

1 And just an example, the recent oil spill at Drill
2 Site -- or D-Pad and Drill Site 7, even Drill Site 4, the
3 injection well, one of them -- I think D-Pad, in excess of
4 11,000 gallons spilled. And, you know, it's just a good thing
5 it's onshore because you can clean that up. And the Drill
6 Site 4 injection well, where injection wells are actively
7 taking place to get rid of drilling muds and all that stuff and
8 putting them down-hole, and a large amount of spilled mud and
9 cuttings occurred again there. And in a short period of time,
10 it's just -- to say that they're -- they do occur. These are
11 not something that, you know, you use statistics to determine
12 the probability of a spill to occur.

13 And I think those shouldn't be used to downplay a
14 scenario, even if you have alternatives. You're -- the pipe
15 that you're going to put this in is going to be unseen. It's
16 going to be buried in a trench. It's going to be -- you won't
17 be able to physically inspect this pipe. There's going to be
18 questions in the EIS concerning the pipeline route, how are you
19 going to bury it, the depth you're going to bury it. And equal
20 number of concerns with transition zones, from where it's
21 stable thaw to the permafrost and the stress related to that.
22 And some of those are factors in where a pipe can be sheared
23 with that kind of stress load on pipes.

24 And strudel scour is another one of those associated
25 with deterioration of the covered pipe, where it may propose

1 the pipeline to come up out of its trench, raised up. And I
2 had proposed a question during one of the Liberty meetings in
3 Anchorage. Suppose that happened, a strudel scour occurred,
4 you're in a delta area where there's current, there's river
5 drainages in the area that propose currents on the area to be
6 trenching, and that you did not detect the strudel scour and
7 the pipe was raised above maybe about two or three feet. And
8 BP wasn't able to detect that because it was still underground
9 in the trench.

10 And it went unseen for the next year, and then the
11 freeze-and-thaw cycles that occur start to create the freeze-
12 down, you know, ice freeze down to about four or five feet over
13 the year, and then you have the stress created from frost. You
14 know how a pop can will freeze and can -- that kind of effect.

15 Those are some of the concerns that would lead to the
16 questions on the subsistence related impacts that would occur.

17 So it's not just manmade, it's also nature in itself that
18 proposes stress related potentials to happen.

19 And other factors that I was thinking about as I was
20 listening to people make their testimonies here, and which I
21 thought I need to come up here and talk a little bit about what
22 I've seen out there, and there is not just the whale that's
23 there. Provided that Liberty is inside the barrier island, the
24 potential for oil spill exists, the migration, annual
25 migration, of the fisheries that occur in the Colville River

1 Delta are one of those that were of concern. The causeways
2 made a concern of that; eventually, breaching had to occur at
3 West Dock, East Dock for these young-of-the-year fish that
4 spawn in McKenzie Delta and then come back as fish fry to grow
5 up in the Colville River. Those are very vulnerable at that
6 stage, the fish fry, because they only spawn in the McKenzie,
7 the arctic cisco, and then harvested and grow up in the
8 Colville Delta.

9 Having had the privilege to attend a couple of
10 Science Advisory Committee meetings on just these subjects, is
11 one of those that is alarming to hear that, you know, these are
12 some of the subsistence trade foods and subsistence related
13 activities that can be impacted from this sort of activity.

14 The other questions I have are all the talk about the
15 three-barge systems. That -- I was on those barges, the same
16 as Charlie Hopson and some other Native whaling captains, to
17 see the effectiveness of three-barge system that was going to
18 be incorporated and sold as an idea to develop the Northstar,
19 and also written into the North Slope Borough ordinance for the
20 Northstar to be approved. And right now, the Northstar is
21 running on a compliance order by consent, just hinging on its
22 plan.

23 And that plan is very little, I think, because it's
24 based on restricting only seasonal drilling. That plans should
25 be based on the overall production when the oil is actually

1 flowing underneath, that you should have a viable plan that
2 works, not just to restrict the drilling activities in a broken
3 ice condition. You should have a plan that works during the
4 production phase, to be able to respond. Those are some of the
5 concerns.

6 I think the Draft EIS is asking for the Native
7 communities to give a compliance order by consent to approve
8 a -- and listen and make comments on the Liberty Draft EIS just
9 because there is no system at this point. The idea of selling
10 a three-barge system, which was quoted somewhere between
11 30 percent and 60 percent ice coverage to be effective in
12 cleaning spilled oil out in the Gwydyr Bay where Northstar is,
13 and when all said and done, it's very difficult to even clean
14 10-percent ice conditions out there, not even being effective
15 because machinery and all that kind of stuff being able to get
16 out there in the first place was a problem. So I would think
17 there are major problems with that and that you guys need to
18 recognize that.

19 One more thing, is on oil spill contingency plan, and
20 we -- you know, I had a call from one of the ADEC guys, just
21 talking about the oil spill contingency plan for McCovey, and
22 they're under a lot of pressure to make a decision to approve.

23 There is no pressure to really realize the geophysical hazards
24 that are in place around there, and to really realize that you
25 can't clean up in these areas, even if it is an exploration

1 well, even to answer storage of -- provided they go down-hole
2 and they go into a formation and start to produce oil in an
3 exploration mode and have storage tanks that are holding, you
4 know, a couple of thousand barrels of crude oil on-site, not to
5 mention the 40,000-gallon tanks for the drilling equipment, and
6 should something were to happen in those areas.

7 I mean, those are some of the questionable approval
8 processes that I see, just in talking with ADEC. I even told
9 them, Why don't you find this project inconsistent with the
10 policies, as we have, the North Slope Borough have, at this
11 point? And I couldn't get a straight answer. So I just wanted
12 to make these -- that I'm one of those that have, you know,
13 seen firsthand because I work with Land Management, have to be
14 out there to see oil spills, tundra damage issues, and to try
15 to, you know, the best we can, to address our policies.

16 It's easy to look at these projects and stand up for
17 yourself and find these projects according to policy which
18 protects subsistence rights, to find these inconsistent because
19 your project has to be -- also go through the ACMP review to be
20 consistent. Thank you.

21 HEARING OFFICER: Thank you. I appreciate that,
22 Gordon. Would you be willing to answer some questions from the
23 audience?

24 MR. GORDON BROWER: Sure.

25 HEARING OFFICER: Rex.

1 MR. OKAKOK: Thank you. Gordon, I think I heard your
2 mind saying something about in-situ burning versus mechanical
3 devices. And part of the C Plan, I think, will be addressing
4 those two differences. Did I hear you kind of say something
5 like that?

6 MR. GORDON BROWER: I may just talk about that a
7 little bit. I was involved in a MAD drill just recently
8 concerning the potential of offshore environmental catastrophe
9 on the Northstar Island production drilling phase. And the
10 scenario was a blowout had occurred on the pad, and it had
11 proceeded to overwhelm the capabilities and get out of the
12 island and started producing oil on the Arctic Ocean. And with
13 all of the current scenarios of picking up oil with the three-
14 barge system and having failed those during this MAD drill,
15 because we knew, at that point, the three-barge system was
16 ineffective, even up to 10-percent ice coverage, and the
17 scenario was taking place in the first of October, which
18 included that bowhead whales were migrating very near in those
19 areas.

20 And the scenario came down to the ineffectiveness of
21 the barges and what do we do now. We have 500,000 -- I think
22 it was 500,000 gallons, or somewhere in that nature. It was a
23 big plume of oil, subject to the currents at this point,
24 getting out of the reach of the -- out of the hands of the ACS
25 group that has to try to respond to an oil spill scenario of

1 this sort. And it came down to, What are we going to do right
2 now? There's whales migrating out there, and we've got this
3 big plume of oil. How can we stop this?

4 First of all, you need to think about that that oil,
5 as it emulsifies -- all those scenarios were taking place. We
6 had to begin to make decisions almost immediately when it was
7 out of hand. You either had to burn this, or it's going to
8 become unburnable, and it's going to just get stuck in the
9 environment where it's -- you can't control it, it's subject to
10 the currents. And I thought, at that point, that the scenario
11 was so out of control that you had to try to light this thing
12 off to try to prevent the damage that's already going to occur.

13 In-situ burning means you have to burn it to get rid
14 of it. There's no other means to recover this oil because it's
15 free-flowing in the environment at this point. The mechanical
16 means has been overwhelmed. And those are the scenarios that
17 can -- that are realistic right now. There's -- there would be
18 no way to recover it except to try to burn it, and then you had
19 a short period of time to make that decision because it's going
20 to start to emulsify. The -- it's going to become unburnable,
21 or you're going to have to use some drastic measures to do it,
22 like napalm it or something to get it to burn.

23 So those are the things that were very alarming,
24 because there is no effective means to do this. Even burning
25 it, we had gone through in-situ burning trials in Prudhoe Bay

1 and watched the aftermath of an in-situ burn, which created tar
2 balls. It's not a clean process. It leaves a lot of stuff in
3 the environment. Even if you burn it, it's not a complete job.

4 It's a very messy situation, not to mention the air pollution
5 that it would cause in black smoke.

6 HEARING OFFICER: Thank you, Gordon.

7 MR. OKAKOK: And to follow up on the in-situ burning,
8 Gordon, didn't they say that it has to be an ideal temperature
9 of about 50 above, 50 degrees Fahrenheit, something like that?
10 And if it happened less than 32 degrees Fahrenheit, that you
11 couldn't turn it?

12 MR. GORDON BROWER: I'm not exactly sure about the
13 temperatures, but it starts to emulsify when it's introduced to
14 the environment. And you're also going to go into -- when
15 you're thinking about this, we had to talk about what other
16 obstructions are there going to be in this environment in
17 October? You're going to have grease, ice, the very young
18 formation of ice, slush, and start to mix in with that oil,
19 which it's going to prevent -- again, prevent the capabilities
20 for even in-situ to be effective. So there are those factors.

21 The only way it would have been contained is if you
22 had burned it immediately when it came off the island and onto
23 the waters, and tried to contain it there knowing that your
24 mechanical means was ineffective already. It had to be quick
25 enough to where you can burn it that fast before it became

1 unburnable and just became a hazard to marine mammals and the
2 environment.

3 HEARING OFFICER: Gordon, I believe that's correct,
4 that a quick response for burning is necessary if you're going
5 to burn at all. In the back, Luke Franklin?

6 MR. FRANKLIN: Just a simple question, also
7 associated with the in-situ burning. Do you believe the North
8 Slope Borough would advocate in-situ burning as a tool that's
9 readily available for spill response?

10 MR. GORDON BROWER: I don't think I can answer that
11 question, but, you know, I had been drafted from when we did
12 the 2000 MAD drill from the Environmental Section where I was
13 at. Because there was no North Slope Borough representative at
14 the command level, they drafted me up with the Coast Guard and
15 those guys to help make decisions. And at that point, looking
16 at all the scenarios that had taken place, and there was no
17 other means of containing this oil, I had to think about what
18 you needed to do. What is the means of trying to contain this.

19 HEARING OFFICER: Let's see. Let me go to the back
20 of the room first, then Arnold, then you, Rex.

21 MR. GLENN: I just beat you by about a second and a
22 half.

23 (Laughter)

24 MR. GLENN: I think to fairly answer that question is
25 probably to.....

1 HEARING OFFICER: Could.....

2 MR. GLENN: Oh, my name is Richard Glenn, by the way,
3 and I might have some comments here in a bit if Gordon's
4 (indiscernible - cough).

5 To fairly answer the question you just posed, would
6 the Borough approve of some kind of a oil and ice burn, and
7 we've been parties for, I think, going on 10 years now,
8 requesting real oil and ice burn experiments, and we've been
9 thwarted, at the State and federal level, from conducting these
10 kind of -- or observing these kind of experiments. I think
11 Mary here has been to Labrador where they -- or Newfoundland or
12 Nova Scotia or somewhere, where they were open-minded.....

13 (Off record)

14 (Tape Change - Tape No. 3 of 4)

15 (On record)

16 MR. GLENN:in our own back yard. Let's test
17 it. Let's see how it works. And then you'll be able to get a
18 real answer to the Borough on what their position is on this.

19 HEARING OFFICER: Thank you. Arnold?

20 MR. ARNOLD BROWER, JR.: Yeah, I was just going to
21 comment on that. And just like Richard said, that if there was
22 nothing else available, that we would probably endorse
23 something like the in-situ burning to take the toxicity away
24 from the -- so that it won't harm the marine wildlife, at the
25 moment, because of the -- in the absence of what we would call

1 a responsible cleanup plan and something has to be done. But
2 we hope that it doesn't have to come to that far, and that's
3 why we're here, we don't want to get to that far, because we're
4 talking about, now, endangering some wildlife species. But if
5 that was event, in case that happened and it is the only
6 reasonable response, it has to be done.

7 And the effects of -- I don't know what the
8 cumulative effects are after in-situ burning, this do give us a
9 fish/whale effect of cleanup of the rest of the globs that are
10 around to mount them onto a boat or something. That's the best
11 scenario I can think, but that's not a -- the position of the
12 Borough, but that's the most reasonable thing for anyone to do
13 at this moment.

14 HEARING OFFICER: Thank you, Arnold. Rex, you're
15 one.....

16 MR. OKAKOK: Yeah. I think Arnold said it best. I
17 work for -- as the Director of Planning and Community Services.
18 We deal with community and land management and recreation.
19 And the kind of question that he raised, would the Borough
20 accept that, we would accept it if you test it a hundred times
21 and you come up with same answer a hundred times. Then we'd
22 accept it. Is that acceptable?

23 MR. FRANKLIN: Oh, well, actually, we'd like.....

24 MR. OKAKOK: Is it acceptable?

25 MR. FRANKLIN: Let me answer your question. We would

1 like to test it, but we've never been given the approval to
2 test it by the agency.

3 MR. OKAKOK: Well, go to Fairbanks. You know, it's
4 cold up there. There's lakes up there. Dump some oil and
5 clean it up.

6 HEARING OFFICER: I would like us to proceed with the
7 testimony at this point, but I have a question. We've been
8 going at it for about three hours. How about if we take a
9 five-minute break? Is that acceptable? I know you want to go.

10 MS. WILLIAMS: I was going to say.....

11 HEARING OFFICER: Is that okay?

12 MS. WILLIAMS:how about after I talk?

13 HEARING OFFICER: Huh? After you talk.

14 (Laughter)

15 HEARING OFFICER: It's a deal. After this testimony,
16 we take a five-minute break. Is that agreeable for everybody?
17 Okay. You're on. You got it.

18 PUBLIC TESTIMONY OF MS. VERA WILLIAMS

19 My name is Vera Williams. I'm a resident of Barrow.
20 I'm a mother of five kids. I'm also on a whaling crew with my
21 Dad, Arnold Brower, Sr. And also I'm in the City Council, and
22 also, I'm on the Board of ICAS.

23 And I just want to say a few comments after hearing
24 everybody, and just my own comments as a mom. You know. I'm
25 going to probably be a grandma one day, and I want to talk

1 about that.

2 I have kids. My kids like to play by the ocean.
3 They like to go out by the ocean side, bring little jars, and
4 get fish. You know? They play around with them. I'm bringing
5 that because, you know, if there was an oil spill, my kids or
6 my grandchildren possibly to be coming in the future would
7 never have that opportunity. And kids playing is something
8 that you should cherish because it's something that they're
9 doing, it's a playful thing. And the ocean has currents, and
10 the oil spill would move with currents, if there was to have,
11 you know, an oil spill.

12 I was looking at the map earlier, just going with my
13 hand, pivoting my hand. You know, as far as it could go, it
14 seemed like words going on a straight line. It's the farthest
15 distance, but if I moved it this way, you had less than three-
16 quarters left over in one direction. I was trying to figure
17 out why you'd have it at the longest length possible in the
18 water instead of trying to go through the land, the closest. I
19 mean, that was one area that I noticed when I looked at the
20 map.

21 And one thing that I noted in here was you talked
22 about the zinc on the pipes and the diodes. I think it was the
23 diodes, every 22,000 feet?

24 HEARING OFFICER: Yes.

25 MS. WILLIAMS: Okay. And on the thickness, I know

1 one person that testified preferred the double, double piping.

2 HEARING OFFICER: Yes.

3 MS. WILLIAMS: And the thickness is what you talked
4 about. And I was just kind of putting notes together and then
5 trying to figure out, question, question, question. Diodes,
6 pipe thickness, and then I just said is there something wrong
7 with the zinc that's on the pipe where the diodes would be more
8 dangerous if it was double? Or.....

9 HEARING OFFICER: That's a.....

10 MS. WILLIAMS: That's what I was.....

11 HEARING OFFICER: That's a complicated question.

12 MS. WILLIAMS: You know, you said that the gases.....

13 HEARING OFFICER: Yes.

14 MS. WILLIAMS:would come from the zinc.

15 HEARING OFFICER: Yes.

16 MS. WILLIAMS: And that's what, you know.....

17 HEARING OFFICER: Yes.

18 MS. WILLIAMS: That's what I have a question on.

19 HEARING OFFICER: Yes. That's a complicated issue,
20 Vera. The.....

21 MS. WILLIAMS: And these are dangerous enough for the
22 fish, the little fish out there? I mean, the creole or
23 whatever. You know, would that seep through to the water to
24 contaminate that area?

25 HEARING OFFICER: Okay. I guess I'm hearing two

1 questions. I think I'm hearing two questions. One is, does
2 the -- is the gaseous byproduct of the.....

3 MS. WILLIAMS: Zinc diodes.

4 HEARING OFFICER:zincs in action with the pipe
5 doing their cathodic protection thing, is that harmful to the
6 environment, to species in the environment? And the other, I
7 thought, was a question about cathodic protection of an inside
8 versus an outside pipe issue.

9 MS. WILLIAMS: I mean, the thickness, is there a --
10 what -- how -- what is he talking about when he said double
11 pipe? Is that two pipes like this?

12 HEARING OFFICER: Yeah, one pipe.....

13 MS. WILLIAMS: Or is that just the thickness of the
14 pipe?

15 HEARING OFFICER: No, one pipe with inside the other
16 pipe, and there's an air space in between.

17 MS. WILLIAMS: Oh, okay.

18 HEARING OFFICER: I -- does anybody know the gas
19 that's -- I should know this myself, of what gas is emitted
20 when you put cathodic protection on a pipe.

21 MR. KOEHLER: One is hydrogen.

22 HEARING OFFICER: I think hydrogen's a correct
23 answer.

24 MR. KOEHLER: (Indiscernible) byproduct.

25 HEARING OFFICER: All right. So I don't think

1 hydrogen is going to be particularly harmful to species. But
2 before I jump too far into that boat, I think we'd better go do
3 our homework to make sure I'm correct in that. Yes. Luke.

4 MR. FRANKLIN: If I can, you know cathodic
5 protection, you know, passive protection for corrosion, is not
6 uncommon for boats. I'd say that many people who have a boat
7 here have something similar to this that has a sacrificial
8 anode.....

9 HEARING OFFICER: Right.

10 MR. FRANKLIN:just to protect against
11 corrosion.

12 HEARING OFFICER: Right. It's a very common way to
13 prevent corrosion, but you're still -- the question is, is
14 there harm that can occur from that.

15 MS. WILLIAMS: Mm hmm (affirmative).

16 HEARING OFFICER: And I think the answer's no, but I
17 think we ought to check into it to be sure.

18 MS. WILLIAMS: Okay.

19 HEARING OFFICER: And we'll be sure, in the FEIS, to
20 have an answer to that. Fred? And then I have the other half
21 of the question.

22 MR. KING: Well, I was just going to jump one earlier
23 question; that was the pipeline routing. I think a major
24 reason why it's where it is, is they want to avoid the river
25 mouths where you have heavy strudel scour.

1 MS. WILLIAMS: Mm hmm (affirmative).

2 MR. KING: And if you look at this routing, and maybe
3 you guys can help me, but I think the routing here was to avoid
4 the Kad River and the Sag River and get to where strudel scour
5 is less because that's a major concern if you're in areas of
6 heavy strudel scour. And if you go to the point, if I'm
7 thinking right, the closest point landfall would probably put
8 you right in front of the -- you'd have the Kad River coming
9 out on the pipeline. And I think that's probably why it's
10 located where it's at.

11 HEARING OFFICER: On the other question you had about
12 cathodic protection inside/outside pipe, that's a much more
13 complicated issue. That is addressed in the DEIS. There's a
14 rather long section on pipelines. And the fact of the matter
15 is, regardless of what design you come up with for a pipeline,
16 there are pros and cons, of this design versus this design.
17 And to be clear and frank, that there isn't, in pipeline
18 design, like a lot of things in life, the one perfect design
19 that fits all needs.

20 MS. WILLIAMS: Mm hmm (affirmative).

21 HEARING OFFICER: There are trade-offs. So -- and
22 cathodic protection is among those that has to be discussed. I
23 don't want to go further into it now because it.....

24 MS. WILLIAMS: Mm hmm (affirmative). Okay. I'll
25 change the subject then.

1 (Laughter)

2 HEARING OFFICER: Please do (laugh).

3 MS. WILLIAMS: You know, you talked about the mouth
4 of the river? I know there are sedi- -- you know, sediments,
5 all types of sediments in the front of the river. Anyway, if
6 there's an oil spill, how do you clean the oil when it starts
7 going through the sediments?

8 HEARING OFFICER: Into the sediments.

9 MS. WILLIAMS: Into the -- yeah, into the sediment.
10 I mean, settling in the sediment.

11 HEARING OFFICER: Well, again, I can give you an
12 approximate answer, and if anyone wants to add, I'd be pleased
13 to have them do that.

14 There's -- in cleanup of any oil spill, there are
15 limits by which -- you know, where you stop. That is, there's
16 a point in time, because of the change in the structure of the
17 oil, and there's a point in effort of cleaning up the last
18 residual parts. Once they get into the sediments, that's a
19 different matter and a more complicated issue, and there's a
20 question as to when you stop cleaning up because you can do
21 more harm to the environment trying to clean up than it's
22 worth. And I don't have a -- I can't give you a line where you
23 cross on that.

24 BY MS. WILLIAMS (Resuming):

25 I know earlier they talked about escrows and funds

1 and fundings and stuff like that. You know, I think I
2 testified about 10 to 15 years ago. I don't know which project
3 it was. And I asked the question, if I'm hungry, how are you
4 going to feed me? And my Uncle Eddie, Eddie Hopson, had gone
5 back on the mike and said, 'Did you hear what she said? She's
6 asking how are you going to feed me if the whale is gone?' I
7 won't get satisfied with that food from the store because I'll
8 need thousands and thousands and thousands of dollars to
9 satisfy myself.

10 I know Eskimo food satisfies me right away. It stays
11 in my body for a long time. But if I have something from the
12 store, steaks, whatever, I'll get hungry. I mean, in another
13 hour, I'll get hungry. I'd want to eat some more. But if I
14 have my Native food, sometimes I won't get hungry for 10 hours.

15 That's what I had asked. And when I heard escrow accounts,
16 you know, what are you guys willing to do? What are you going
17 to have them do to put an escrow account?

18 Are you going to have that justified enough for -- to
19 feed the people that -- there's not just us here. There's
20 people all over. I mean, our children. I mean, our children's
21 childrens are going to be coming, and if we don't have that --
22 you know, that kitty somewhere, who's going to -- our way of
23 life won't even survive.

24 And MMS, I mean, it's like a big cry-out of me for
25 someone for in the future. I mean, think about it. You're

1 going to have to think about it. This culture's going to go
2 pretty soon. I mean, in order to save a culture, you should
3 respect the people also. Thank you.

4 HEARING OFFICER: Thank you.

5 MR. KING: Thank you.

6 HEARING OFFICER: Are there any -- would you be
7 willing to take any questions, Vera, if the audience has those?

8 MS. WILLIAMS: I guess I could (laugh).

9 HEARING OFFICER: Are there any questions for Vera at
10 this point? Yes. Arnold.

11 FURTHER PUBLIC TESTIMONY OF MR. ARNOLD BROWER, JR.

12 I guess when she asked that question, how are you
13 going to feed them, if our own government is barring shipment
14 of sheeps and cows from other countries, you know, the beef,
15 you know, it's just mind-boggling to think that could happen.
16 And that's the reason that we're abstaining -- or objecting to
17 their drilling an offshore, to use that as an opportunity to
18 make genocide on our people.

19 I got to -- Paul, I have to state that and verify
20 that here. When the Inupiat Community of the Arctic Slope
21 first filed its motion to intervene in these waters and Prudhoe
22 Bay. Our lawyer was murdered in the hotel. Chuck Omar (ph).
23 On the very property you guys are enjoying for the benefit of
24 the rest of the United States. It's a fact. Fact that you can
25 look up in the archives of the media. It's a weird thing.

1 Sometimes I feel that is why when my brother asked
2 me, 'Are you going to bring that issue back up?' there's a
3 great hesitancy for me to say, 'Yeah.' But now we need
4 bodyguards to supplement our contract.

5 And, Paul, we're not dumb. Our people are happy
6 people. We've lived here; we've been able to survive here
7 before the industry came, before the statehood of Alaska,
8 before Columbus. Ah, it was a pristine environment. Now they
9 call it a pristine environment just on account of the caribous
10 in ANWR. But, Paul, it's our life. How much the rest of the
11 world wants is right there. Whether we're in the way or not
12 seems insignificant.

13 But here we are, trying to advocate for our people
14 because everybody in the whole world thinks, 'Oh, those Eskimos
15 must be millionaires by now.' Man, I go to Texas or someplace
16 else, and, I mean, 'Why aren't you driving a limousine?' By
17 golly, this is serious stuff. We just want to be acknowledged,
18 meet our concerns.

19 And it's -- I hate to bring that up, but that's the
20 reality thing that we have to be concerned with, that food,
21 that food that you bring as a replacement has to be -- has to
22 pass the health. It's very real, and, Paul, it just strikes me
23 so much that I have to bring this up.

24 It's not a problem enough because we have a lack of
25 funds now, it's a problem because fear is inflicted upon my

1 people. So here we are, but we won't have peace. The federal
2 government is trying to be a -- in a humane way, to act that
3 maybe giving all that money is sustainable. But we lack the
4 financial resources for you to believe what I say for Alaska
5 Eskimo Whaling Commission, it took them multi-million dollars
6 to finally let the scientific world understand, 'Why, golly,
7 these Eskimos spoke the truth. There are more than 200 whales,
8 after all.' That's the dilemma.

9 Just want to -- I didn't want to get to that point,
10 but we did raise that. The Commission, we went through that
11 Edwardson v. Morton (ph) case, why we're not getting benefits
12 from the offshore development, from the Prudhoe Bay, from
13 Native allotments that exist over there, and that -- we're not
14 implementing a severance tax. Why? Maybe it's just fear.
15 Maybe we are a suppressed people.

16 But President Clinton recently made all of you
17 agencies sign a consultation clause. Praise God for that.
18 Minerals Management Service, BIA, National Park Service, Fish
19 and Wildlife, Bureau of Land Management, and United States
20 Geological Survey, to name a few. I applaud that, that this is
21 being done, and I hope this works to the benefit of all of us,
22 of Inupiat people and our federal government.

23 It just strikes me so much when they have
24 (indiscernible) our own food. Now we ask you for food. That's
25 why we have a quota, to feed our body, to nourish our people.

1 It's our diet; it's our nutrition. That's what we're fighting
2 for.

3 HEARING OFFICER: Thank you, Arnold. Rex.

4 MR. OKAKOK: I have a follow-up on Vera's concern and
5 question. I think -- I didn't know if you answered it.
6 Whether the pipeline was an economic issue or a design issue.

7 HEARING OFFICER: Well, I think it's both. But the
8 purpose of the Environmental Impact Statement is to address,
9 basically, the environmental effects of the project and
10 alternatives, and among the alternatives are the four pipeline
11 designs. So we did our best to address those environmental
12 effects. Yes, sir.

13 MR. HOPSON: To follow up on what Vera's concern,
14 that my statement (indiscernible) was copied, that's why I
15 wanted a statement signed from both MMS and the BP that they
16 are taking full responsibility of the endangered species,
17 whale, and our culture, the Eskimo. Before you sign any work
18 permits or go-aheads, those need to be signed by you and MMS
19 and the BP people up here, taking full responsibility for the
20 mitigation of species whale and our culture.

21 HEARING OFFICER: Understand that would be your --
22 yes. I understand what you have requested. Thank you, Vera.
23 Anything you want to add at this point?

24 MS. WILLIAMS: I just wanted you guys to know I'm
25 wearing stinky tennis shoes today. You know why? It's because

1 I helped sew the skin boats the other day, and the odor hasn't
2 gone away yet.

3 (Laughter)

4 HEARING OFFICER: Thank you.

5 MR. ARNOLD BROWER, JR.: All right, Vera.

6 (Applause)

7 HEARING OFFICER: We'll take a five-minute break and
8 be back to take any additional testimony.

9 (Off record at 10:50 p.m.)

10 (On record at 11:00 p.m.)

11 HEARING OFFICER: Mabel, thank you for coming. We
12 appreciate your.....

13 THE TRANSLATOR: Martha.

14 HEARING OFFICER: Oh, Martha. I'm sorry. Martha
15 Hopson.

16 THE TRANSLATOR: I have a sister named Mabel.

17 HEARING OFFICER: Well, I'm.....

18 THE TRANSLATOR: They call me Mabel most of the time
19 anyways.

20 HEARING OFFICER: Maple was the translator in.....

21 MR. KING: Nuiqsut.

22 HEARING OFFICER:Kaktovik. Sorry. Sorry,
23 Martha.

24 MR. KING: Thank you.

25 (Applause, side comments, laughter)

1 HEARING OFFICER: Okay. Well, who else would like to
2 provide testimony? Please. Thank you. Again, if you can
3 state your name for the record.

4 PUBLIC TESTIMONY OF MR. FREDERICK TUKLE, SR.

5 For the record, my name is Frederick Tukle, Sr. I've
6 been a Nuiqsut subsistence whaler the last 15 years. Ever
7 since 1973, I've been living in the Nuiqsut area, moving back
8 and forth between Barrow and Nuiqsut.

9 I'm one of the few people that -- around the Liberty
10 area, got to watch -- for a 15-year period, got to watch this
11 oil industry grow. I'm one of the people that's very -- like
12 some of these people here, I oppose offshore drilling.

13 With regard to the Liberty and Northstar Project, one
14 of the real strong concerns I have is these flare pits that you
15 guys have on top of those, these rigs that you guys are
16 building out there. When these flare pits go off on these
17 offshore rigs, I started noticing in 1987, well, when we
18 were -- when a whale is caught at Cross Island, what I've
19 noticed when we were hauling our whale meat to the -- to this
20 Endicott and to West Dock is that, consistently, these flare
21 pits, they don't burn all the oil. When the pipeline is shut
22 down, you guys are aware that these flare pits, you know, they
23 shoot up. They're consistently dripping oil.

24 I first noticed, with my whaling captains in Nuiqsut
25 around -- year around that that oil is consistently -- we

1 noticed from three miles out of Endicott. There's oil
2 consistently, year around, dripping into the vicinity of our
3 whaling village in Nuiqsut. I've addressed this with -- I've
4 tried to address this with BP over a period of time. And with
5 more offshore leases occurring, I'm very concerned about these
6 flare pits, is number one.

7 The other one is these injection wells that are
8 starting to be used to push the oil out. Let me back up a
9 little bit.

10 I've whaled from Kaktovik to Nuiqsut to Barrow, and
11 I'm one of the few people that has seen the currents along the
12 coast. With regards to the Liberty, with the ocean currents
13 that I've observed between Kaktovik, Barrow, and Nuiqsut, that
14 Liberty Project that you guys are on is one of the strongest
15 currents I ever seen on a slope between here and Barter Island.

16 I stand with my -- our people when they talk about that
17 there's no proven technology to clean up a spill.

18 I'm also one of the oil spill responders with Alaska
19 Clean Seas the last several years. The real one I want to
20 bring up was when my whaling captain died right in front of
21 that West Dock area over there. Several years ago, I went
22 whaling with my whaling captain in the Prudhoe Bay area.
23 During that time, I listened to his mayday call when his boat
24 went down while he was carrying supplies from West Dock to our
25 camp, whaling camp, in Cross Island.

1 When a rescue was initiated, these boats that these
2 oil people have, they tried using these boats to reach my
3 captain. And these are the same boats that -- they're still
4 over there in Prudhoe. No one was able to reach him with these
5 boats that they tried to use. And these are the same boats
6 that are going to be used for the oil spill. The only way they
7 got to my captain was with the choppers, that the ERA chopper
8 finally was able to pull the rest of my whaling crew out of
9 that water.

10 I also have very close contacts with ACS supervisors
11 in Deadhorse. When this Northstar, they did some mock oil
12 spill response during the winter. And I happen to know
13 firsthand during white-out conditions, nothing was able to
14 work. When the ACS supervisors went on scene, they didn't
15 anticipate these white-out conditions to occur. They was not
16 able to do anything. They were bewildered what to do, and then
17 how to clean up this spill. The result was nobody came up with
18 a answer to clean up this spill.

19 I'm very gravely concerned. I felt compelled to come
20 up here 'cause of my 15 -- my observations of the Prudhoe Bay
21 fields since 1973. These -- the other concern I have is these
22 ships that supply the oil fields. There's a number of times
23 that I've run into these ships right in the migration of the
24 whale path. There were a good several times that while we were
25 carrying live bombs that we've chased a whale right in front of

1 the ship.

2 We've -- I've monitored my captains from trying to,
3 over a period of years, resolve these ships coming in contact
4 with us. With these oil leases occurring, and these people
5 coming down all the way from Canada, from Canada to here, our
6 whales are coming up here to feed, their whole food line and
7 everything is on the line on our whales. During the night
8 period when we look at those millions of animals that are under
9 the water, the glowing ones, over this 15-year period that I
10 got to watch these animals go away from the Endicott field,
11 from Beechey Point to Camden Bay over a period of time, I've
12 watched the animals being displaced.

13 I can't say that our animals are being killed, but I
14 could say that they are being displaced already. And no one
15 knows what the outcome of this is going to be. But I've
16 watched these oil people, over a 20-year period, come and take
17 comments and comments and comments and comments until my elders
18 got burned out in Nuiqsut.

19 When these seismic activities are occurring, I --
20 during the '80s, that these seismic activities that set up this
21 Liberty field, the Northstar field, during that time when these
22 seismic activities were occurring, we couldn't understand --
23 for a six-week period we were at Cross Island this one year.
24 We couldn't understand, for some reason, why we wasn't catching
25 those whales. And then one day, right near Flaxman Island, we

1 ran into these buoys, these same buoys we use for our whales
2 when we hook up the harpoon to the whale, it's attached to that
3 float, this same kind of float.

4 We thought it was a whale for a while, when we ran
5 into it at Flaxman Island. Then it occurred to us that we had
6 absolutely no clue that these seismic operations were being
7 conducted during our whaling time right there. Right during
8 that time, when we spotted no whales, we went all the way to
9 Kaktovik looking for these whales. And for about a week's
10 period, we had no answers, and we did what we wasn't supposed
11 to do. We went out 30 miles direct north from these seismic
12 activities, these ship activities. And then finally, we ran
13 into a whale six weeks later, a spooked, a totally spooked,
14 pissed-off whale we ran into right there. And it was a direct
15 result of these seismic operations that these oil people are
16 conducting.

17 But I'm very afraid, myself. Me and my children, we
18 did go hungry that year. And then when I began to try to --
19 with every help I could get, right about this last 10 years, we
20 over -- consistently, over a period of time, ran into a brick
21 wall 'cause of this pro-development that's occurring. All this
22 time when I -- every single time I have a question, I'm always
23 going to our elders in Nuiqsut. Every single -- when I'm done
24 with this meeting, I'm going to -- they'll do the same thing.
25 I'm going to still -- from what I heard tonight, I'm still

1 going to find answers.

2 During last summer and in the summer before, I got a
3 chance to listen to, on our KBRW radio, in the early '60s,
4 these several perceptive elders made a tape and then
5 released -- and it got released to IHLC. When these oil
6 activities started happening exactly in that Liberty area, they
7 noticed when these offshore activities started, that there was
8 fish breeding in that area. Within a several-year period, they
9 no longer see these fishes, these sheefish that were there.
10 And this was from the very beginning of these oil exploration
11 activities on the Slope.

12 These noise impacts, the gas dripping on the ocean
13 year-around. ACS, this main group that you guys depend on for
14 oil spills, the supervisors even admit to me -- I became
15 friends with them -- that they have no way to clean this up.
16 And what I'm requesting with regards to these flare pits is
17 that before this Northstar and Liberty get on line, is they
18 monitor what this gas is doing right in the ocean, that that
19 has to be. It's been going on ever since Endicott started, and
20 now they're -- now it's going to accumulate right in our area.

21 When I watch these glowing things while we're towing
22 the whale to Cross Island, I notice that over a period of time,
23 I can't -- I don't see those -- these little things that these
24 whales are feeding on right in the vicinity where this oil is
25 dripping. I didn't think about that until you guys started

1 reaching the vicinity of the Barrow hunters. And then, with my
2 own experience, if something like the spill should happen, not
3 just me or the Slope is going to go hungry, these whale meat we
4 get, we're sending them to all over Alaska, to people that are
5 hungry. And we still fall back on this whale.

6 But when we're done here, I'm going to go home and
7 eat this whale meat. I'm very hungry right now. But when
8 incidents like that occur, with what already happened with me
9 and my children going hungry, and then I keep looking at that
10 there's hundreds of hundreds of people in the interior of
11 Alaska, they depend on this food too. If you offset the food
12 for the whales, from what I'm looking at already, I do believe,
13 from my own observations, that the whales are already being
14 affected.

15 I don't know if you guys ever been out whaling, but
16 if you ever -- if you go after a pissed-off whale, he's going
17 to go after you. And that's exactly what happened with us.
18 When we had to go 30 miles out, one of our whaling boats sank.

19 I watched it. And we got caught in this violent wind while we
20 were -- when we began towing our whale 30 miles out, we got
21 caught in that wind 18 miles out of Cross Island, direct north.

22 One whaling boat went down; two of them we barely saved.

23 I'm very concerned about this, these kind of -- these
24 oil people coming in, and we're passing these concerns on the
25 last 20 years, until our elders get burned out. To see them

1 consistently every week, every couple of weeks, leave their
2 families to go try to make comments at these meetings over and
3 over and over and over. And then that's starting to happen
4 here in Barrow, exactly what occurred in Nuiqsut. I'm looking
5 at the same steps that's been taken to Barrow residents. I'm
6 very surprised that Barrow residents have not rallied yet.

7 But now you guys, these oil people are now in
8 Barrow's front steps. If you -- with these animals already
9 being displaced, now it's starting to be from Cross Island to
10 Teshekpuk that I've noticed these animals, over a period of
11 time, going away. And then there -- right now, we're having a
12 real hard time 'cause of the pipelines from Oliktok to Kuparuk.

13 There's a 13-mile pipeline that's about three-feet high that,
14 itself, already has displaced our caribous in the village. We
15 already had a hard time with the geese already going away from
16 these facilities. I watched these firsthand over a 15-year
17 period, and this is what got me to move from Nuiqsut to Barrow,
18 is observing these oil activities that's occurring.

19 Some of these people, they talked about -- we filed
20 this lawsuit. We're requesting money and that kind of thing.
21 Where I'm coming from, I don't have these power organizations
22 or anything like that. But I'm coming before you guys as a
23 hunter, as someone that watched Prudhoe Bay from nothing until
24 what it is today. And these oil people that's coming and
25 taking these statements and comments, when I look at what's

1 occurring with these oil people, one of the things I noticed is
2 each of these oil organizations, they have research centers in
3 the Lower 48. Around the world, they have research centers.
4 They know how they're displacing the animals. They know
5 exactly how they're affecting these animals.

6 During the early 1980s, I picked up a "National
7 Geographic" where they did numerous underwater photographs of
8 the Camden Bay area to, I believe, right on this side of
9 Endicott. There's numerous underwater photographs before the
10 oil was there, before these offshore rigs started going up.
11 That's one of the things I would request from anyone, is that
12 we look at these photographs before and after so we could --
13 'cause I know myself that these oil people, they already know
14 what's happening to the animals.

15 I watched my relatives, elders, since 1973, making
16 these comments. And when I come into these meetings -- when
17 I'm not at these meetings, I'm hunting in the Prudhoe Bay area.

18 And with regards to these flare pits, I'm requesting that,
19 immediately, that these flare pits be monitored. I'm very glad
20 that I got to see, when the ocean was flat and there was
21 absolutely no wind, that I got to see the gas dripping. From
22 three miles out, we started noticing these spots. By the time
23 we reached Endicott, it's a blue color of gas, consistently all
24 year-around, dripping.

25 And these thousands of different birds I used to

1 watch, from '85, they're not there no more. There's hundreds
2 now; there's not these thousands any more that we used to see.

3 When I tried to question these with these oil people that keep
4 coming to these meetings, I'm starting to notice, especially
5 the last 10 years, that they do not say anything at all.
6 Nothing. But we're here to take comments -- 'We know how we're
7 hurting them. We know you guys go hungry. But we're just here
8 to take your comments.'

9 And to watch my elders over and over and over until
10 they get tired, I hardly see these elders any more come to
11 these meetings. They got burned out; they're tired. They're
12 already trying to just support their family. But during that
13 one year, I'm one of those people that went hungry when we
14 didn't catch those whales. My children, when I wasn't working,
15 we absolutely depend on this food still. It is subsistence
16 food.

17 And it came out in the newspaper several weeks ago
18 that these mercury -- that the mercury they're finding around
19 the Arctic is a direct result of the industrial activities that
20 our animals are ingesting. And we're eating those animals.
21 There's people dying from cancer, this cancer-causing agent.

22 I heard testimony a while ago, a little bit of the
23 Colville River being contaminated. I was one of those people,
24 the Mayor of Nuiqsut selected me to go see that contaminated
25 site where the oil exploration, one of these where the rigs

1 were dismantled. An estimated 10,000 barrels, dismantled rigs,
2 all the vehicles that were used to find the oil up here got
3 buried alongside of the Colville River.

4 Over a period of time, by luck, I ran into the
5 dinosaur diggers up there, and I happened to start asking
6 questions with one professor, Olan Ganglof (ph) out of the
7 University of Fairbanks. He's been observing the Colville
8 eroding -- with satellite photographs -- eroding to this
9 contaminated site, and the result is two of these pipelines are
10 now under the Colville. And it's not proven yet whether there
11 was a mile-and-a-half lake -- a mile-and-a-half-long streak of
12 oil monitored by aircrafts flying over the Colville.

13 Part of this -- it's part of this oil exploration
14 that that occurred. Now we have DDTs and PCBs flowing right
15 into the river, and then we're starting to see contaminated
16 fish. The contaminants are now being found in our fish in the
17 Colville. You look at our geese, our caribous, our fish, our
18 whales, that they are being affected dramatically. They're not
19 being killed, they're being displaced, and no one knows the
20 outcome of this.

21 You spoke a while ago of the injection, that that's
22 going to occur on the Liberty Project. These seawater
23 treatment plants, I had a chance to work in these seawater
24 treatment plants over a period of time, adjusting the valves on
25 them. I seen myself firsthand those animals being sucked in.

1 Now these plants are being set up from Canada now to the --
2 right in the vicinity of Cross Island. Those are what I'm
3 requesting immediately be looked at, this seawater they're
4 using to inject back in to push the oil out, and these flare
5 pits that's consistently, year-around, dripping oil.

6 And that's what I have. When I look at what happened
7 with my family, BP, ARCO, Phillips didn't provide me with food,
8 or my children, that they knew what was going on already. And
9 we've testified over a 20-year period, and now they're starting
10 over here. For the next 20 years, people are going to start
11 coming and making the same comment over and over and over, and
12 that hurts really bad, to consistently do that.

13 Now people hardly, in Nuiqsut, go to these public
14 meetings, that the subsistence hunters are hardly seeing them
15 at all anymore over there. But I'm one of those people that's
16 still going to be continuing to whale. I'm still going to be
17 looking at these displacements of these animals. What I'm
18 saying is I watched firsthand, from 1973 right up until now.
19 I've heard the testimony of elders on our KBRW radio, that were
20 living over there.

21 One of the things also is I know that there was
22 studies being done from the very beginning, from the very, very
23 beginning of the oil exploration in Alaska. The oil industry
24 people have all the information, that they have it already, and
25 yet here they are coming and taking these testimonies again and

1 again and again and again. And I'm looking at exactly that
2 same thing in Barrow. And that's my testimony.

3 HEARING OFFICER: Thank you. Thank you, Frederick.

4 (Applause)

5 MR. BRIGHT: Well, I had a good question.

6 HEARING OFFICER: Frederick, would you be willing to
7 take a question?

8 MR. TUKLE: Yeah, I'll be willing to take questions.

9 MR. BRIGHT: Well, that was my first one. I didn't
10 catch your name. And it's Frederick? Is that right?

11 MR. TUKLE: Frederick Tukle, Sr.

12 MR. BRIGHT: Frederick, you mentioned earlier in your
13 testimony about -- obviously, you've spent a lot of time on the
14 water in the Prudhoe Bay area.

15 MR. TUKLE: Mm hmm (affirmative).

16 MR. BRIGHT: And you had mentioned currents. And a
17 few weeks ago, there were a number of us in Anchorage talking
18 about the pipeline designs and so on, and one issue that came
19 up that really no one had an answer for is the strength of
20 storm surges and the ability of storm surges to move sediment.
21 And I guess I'm just wondering, in your experience out there,
22 what's your experience with -- particularly with storm surges
23 and the ability of storm surges to move, you know, transport
24 sediment. Have -- do you have much of a feel for that at all?

25 MR. TUKLE: What -- I was looking at your map over

1 there. Right between Narwhal, that's north of this Liberty
2 Project, right on the left side of Narwhal, that's the
3 strongest current I ever seen between here and Kaktovik. And
4 it's directly in between -- almost in between Cross Island and
5 Narwhal. It's every -- it's there every single year.

6 MR. BRIGHT: Really.

7 MR. TUKLE: And it's directly to this Liberty
8 Project. This 22 feet that they spoke of, there's a DEW Line
9 site that's west of this Liberty Project. A couple of years
10 ago, one of my uncles, Archie Ahkiviana, him and his -- one of
11 his Skidoo buddies went to this DEW Line site, and then they
12 noticed this one-foot-thick of ice three miles inland, that
13 that was pushed from the ice out there, and it reached up to
14 three miles inland. And that DEW Line site, the garage that --
15 with its foundations, moved the whole entire building, tearing
16 the foundations off, three miles inland. And Archie Ahkiviana,
17 my uncle, testified to that after he came back on his
18 snowmachine trip.

19 And I've watched firsthand where this Liberty Project
20 is going up, and it's one of the most violent waves I've seen
21 yet anywhere, that that area that this Liberty Project is in is
22 one of the most scariest projects I've ever seen on the Slope.

23 And it does scare the hell out of me after observing these
24 activities ever since I was almost a baby.

25 MR. BRIGHT: And I'll just ask you one other quick

1 question. You mentioned one of your whaling captains being
2 lost off of, I think it was West Dock.

3 MR. TUKLE: Mm hmm (affirmative).

4 MR. BRIGHT: And the boats couldn't reach him. And I
5 was just wondering why. Why couldn't those boats.....

6 MR. TUKLE: The slush that they're talking about,
7 it's just slush water.

8 MR. BRIGHT: Oh.

9 MR. TUKLE: Was something like that. When the ice is
10 beginning to form, that the slush is the first thing that forms
11 before it turns to ice, near shore.

12 MR. BRIGHT: I see.

13 MR. TUKLE: The boats could not go through that.
14 They wasn't able to break through the -- on top of that, that
15 thin ice. They wasn't able to break through.

16 MR. BRIGHT: Yeah.

17 MR. TUKLE: They tried a number of different boats.

18 MR. BRIGHT: Mm hmm (affirmative).

19 MR. TUKLE: And these were the boats that are
20 supposed to be used for the oil spill if it occurs. And those
21 same boats are still over there. I just seen them a couple of
22 months ago while I was at Prudhoe.

23 In addition to this 13-mile pipeline I'm talking
24 about, with the new discoveries that already occurred south of
25 the Kuparuk field, we have about another over 10-mile pipeline

1 again, that that's three feet high. And then you look at the
2 caribous when they -- when they're trying to get to the ocean
3 side, they're always migrating, keeping away from these bugs
4 and everything. They stop right at Oliktok. They -- we don't
5 see those anymore, these thousands of migrating caribous. Now,
6 at the same time, we're seeing hundreds.

7 These gravel pits that are being used to support
8 these activities, the gravel pits, the geese, when they're
9 migrating from the Lower 48s, from out there, they are now
10 going to these gravel pits. They're not following their usual
11 migration anymore. I watched that firsthand also over a period
12 of time. So those animals over there are being displaced, is
13 what I'm saying. And I got to see that firsthand over a period
14 of time.

15 And these oil people are -- they're going to start
16 with Barrow now. And now they're going to start with these --
17 our elders, until they burn out. It doesn't matter to these
18 people if we go hungry, or if my children's asking me what
19 we're going to eat tonight, that there's been a number of times
20 where I depend on the whale and the caribou that we are having
21 difficulty hunting now. It's already dangerous enough that we
22 go out there. We know, all the whalers know themselves, that
23 we are already placing our life in danger with these huge
24 animals that could kill us in a instant, and with these ships,
25 with these oils, the human contacts, it pisses them off. It

1 gets them very angry.

2 And I watch folks being -- in fact, Thomas Nubilof
3 (ph), the past AEWC Chairman, in fact, my first experience of
4 catching the whale was when this pissed-off whale rammed him.
5 And when you look at these international ships, AEWC, North
6 Slope Borough, whatever entity has tried to stop these
7 international ships from intruding, but because they're in
8 international waters, it's very difficult to. But from what
9 I'm looking at, they are -- it's a harassment that that's
10 continuing. And those are my observations.

11 HEARING OFFICER: Thank you, Frederick. We
12 appreciate your spending the time to do this.

13 MS. WILLIAMS: I have a question now on this.

14 HEARING OFFICER: Yes. Please.

15 MS. WILLIAMS: Do you know if there's any caribou
16 crossings on those pipes by Oliktok?

17 MR. TUKLE: There is -- I've seen two caribou
18 crossings, that there's two of them that I'm aware of. There
19 was a joke made about it. Our Mayor, past Mayor, Leonard Lampe
20 of Nuiqsut, made a joke that maybe we should tell the caribous
21 the caribou crossing is over there and then they'll go over
22 there and now and cross over there. But my relatives and my
23 friends, they can attest to what I'm testifying to today, my
24 elders. And I'm still going to continue my research with
25 regards to our animals.

1 HEARING OFFICER: Thank you. Yes.

2 MR. HOPSON: You said the pipeline was three feet off
3 the ground.....

4 MR. TUKLE: Above the ground.

5 MR. HOPSON:in the summertime?

6 MR. TUKLE: Yeah.

7 MR. HOPSON: What about in the wintertime?

8 MR. TUKLE: In the wintertime, when there's snow, we
9 barely -- in fact, towards the end of January, 36.6 miles and
10 39 miles out of Deadhorse, direct between Nuiqsut and Deadhorse
11 east, those -- we barely with our snowmachine cross these
12 pipes. And then there's more pipes in the making. These --
13 it's incredible what I'm looking at. And I think that's what
14 really got me to move back to Barrow, is my observations about
15 the animals. And because I am from Barrow, originally from
16 here, and I'm just now moving back as a result.

17 HEARING OFFICER: Thank you very much. Maggie?

18 MS. AHMAOGAK: Yeah. I wanted to maybe -- we did a
19 recap on Archie's testimony the other night, and he felt it was
20 important enough to maybe put it on paper. And it also
21 justifies Frederick's -- what he stated about.

22 PUBLIC TESTIMONY OF MR. ARCHIE AHKIVIANA

23 (Excerpt read by Ms. Maggie Ahmaogak)

24 Archie's testified that around Tern Island are the
25 strongest currents, now are behaving in that -- the currents

1 are now very strong, and that the north side is now deep and is
2 used by the migrating arctic cisco, which goes into the Kukpuk
3 River and are caught through nets by the subsistence hunters
4 when they get to the village of Nuiqsut.

5 The north side of Tern Island is now so deep that
6 even the big ships travel through the deep side of the island,
7 and the whalers and the Inupiat workers off Endicott have, on
8 occasion, sighted bowhead, belugas, and porpoises on the north
9 side of the island where it is deep.

10 And I don't want to read all of it, but it just backs
11 up Frederick's words where he's also quoting Archie. So maybe
12 I'll let this be part of the.....

13 HEARING OFFICER: Fine. We'd be pleased to put that
14 in the record.

15 MS. AHMAOGAK:comments to supplement.....

16 HEARING OFFICER: Thank you. Thank you. Yes.
17 Please.

18 MR. HOPSON: Yeah, I have another question for
19 Frederick. You know the sleds you guys build now, nowadays,
20 compared to them days before the pipeline came around? You
21 usually have handles; right?

22 MR. TUKLE: Mm hmm (affirmative).

23 MR. HOPSON: What I heard from some, you know, people
24 from Nuiqsut, they don't build them handles anymore. They're
25 just flat.

1 MR. TUKLE: Mm hmm (affirmative). Yeah.

2 MR. HOPSON: And that's due to the pipeline. You
3 know, crossing over the pipeline.

4 MR. TUKLE: I've never heard anything like that. But
5 when you look at my snowmachine, it's about this -- about --
6 the windshield was about like that. We had to go like that to
7 cross those pipes.

8 HEARING OFFICER: Thank you. Any other questions,
9 and anyone else would like to provide testimony at this point?

10 MR. KING: I believe there's.....

11 HEARING OFFICER: Would you like to?

12 MR. KING: There's a gentleman here, I believe.

13 HEARING OFFICER: Thank you.

14 MR. TUKLE: Okay.

15 PUBLIC TESTIMONY OF MR. ARNOLD BROWER, SR.

16 Yeah, my name is Arnold Brower, Sr. I've been
17 listening to all the testimonies and statements of whalers.
18 And I've been going through Alaska Eskimo Whaling Commission's
19 comment on the Draft Environmental Impact Statement for
20 Beaufort Sea Oil and Gas Development, which I would say would
21 be for all offshore oil activities, would be treated about
22 equal in that area.

23 Going through it, I support this statement. It's
24 common-sense statement, and all the way through, it's facts.
25 It's just the way I would put it together. But there seems to

1 be very small amount of answers to those findings and
2 statements of professional people that actually made these
3 statements. Kind of scared me a little bit at some points,
4 especially when an engineer of that caliber had stated that it
5 is possible for those oil spills, major oil spill, that can
6 happen without any knowledge of cleanup procedures that can be
7 used against them out in the sea ice.

8 Now, this -- I'm not going to tell any of the stories
9 that I've put in here, but I support this report. I'm pleased
10 with it. And like I say, everything the industry had come up.

11 I've been with the elders that are gone now; I worked with
12 them. Their great statement, and repeated statement, is we
13 want those resources when you leave and deplete the oil out of
14 these wells. That's the great statement that they've put
15 together. We want all of the renewable resources left behind
16 if you leave.

17 Now, that's a great statement. What are they talking
18 about? In order to put a story together of what they
19 mentioned, to leave those renewable resources in place, it's a
20 subsistence lifestyle. We take experience ever since time.
21 That (indiscernible) garden, we don't grow anything up north.
22 We are not -- we are opposite of south; we're up north where
23 it's frozen. You can't grow anything, but we survive by
24 subsistence hunting. You can grow anything you want down
25 south, and make decisions all you want, but it will not apply

1 to us up here. We have to survive.

2 I think that statement they put together is the most
3 important thing that I ever heard, together when they mentioned
4 that the industry, and telling them, 'If you leave, we want all
5 resources, our subsistence resources, in place.'

6 Now, I value Prudhoe Bay with them. They never come
7 around to accomplish anything, but I'd advise seeing this
8 report of Alaska Eskimo Whaling Commission. We have to work
9 together. We have to establish something if the questions
10 cannot be answered. I think they should be satisfied by some
11 means, especially on oil spill.

12 If you're going to go ahead and -- I am positive,
13 looking at the report, that Liberty is going on. It's got a
14 planning stage, just the same way as any other offshore
15 production islands that are put together, are in place. They
16 are ready -- I know Northstar is ready to go. But the fact is
17 that they cannot clean up any oil spill. It would get through,
18 and the engineer states that. They said they got no ability to
19 clean up that mess.

20 I've observed some oil spill here, and that during
21 the Navy exploration, I was with them. And the cause of that
22 oil spill was caused by one of the tankers grounding in the
23 eastern -- shallow waters of eastern Powder Point. And after
24 discharged oil out into the ocean, it's refined diesel, to get
25 themselves floated back up. And the results of that I see.

1 You're talking about steller eiders, spectacled eiders,
2 halirokes (ph), all species of waterfowl that comes through
3 migration. Believe it or not, that's all of the United States
4 waterfowls coming through here for practically the biggest
5 portion of -- for nesting purposes.

6 And if this happens, not only these that we have,
7 very few animals will survive, though, that stays with us year
8 around. Whale is migratory, go through here in the spring and
9 heads back in the fall. We catch it; we have to hunt it on
10 time. Time is of essence. If we don't do it right, and if
11 time is not with us, we suffer. I've seen this village of
12 Barrow suffer more than once for lack of catching those whales.

13 And that's with nature. The nature takes sometimes a big part
14 in playing for our hunting.

15 Those animals are very sensitive. They hear, they
16 see, they smell. So every disturbance that is caused by them,
17 they know. They can go from one point to another point, make a
18 beeline, and arrive timely, on time; they seem to know time,
19 those animals, those bowhead whales. So does the other species
20 of waterfowl. They fit in the same category.

21 But observing that oil spill, even in windy day, it
22 is calm, and the birds like to land there. The waterfowl
23 stampede in there, big flocks of waterfowl, coming through land
24 there, never take off again at some point. They're just soaked
25 up with oil. The beach was covered up three feet high with

1 those waterfowls, birds and species. Nobody ever knew. No
2 reporter ever gone through. I've seen what can happen on an
3 oil spill of a great caliber, and then it would be worse.

4 So I think it'd be wise to work together and meet all
5 of the danger zones, and if they can't be corrected, I think
6 they have to agree on some, give a little, take a little.
7 Wouldn't hurt. So all know what's going on and what to do when
8 it happens. So accomplishing this, I think there's no way out
9 except to do the best there is. I know the United States has
10 the best there is in technology, and to come up to find out
11 exactly how it should be. But that's down South. But up,
12 going up to the northern parts, you're hitting the ice zone,
13 frozen zone.

14 It is not easy to describe our standard of living,
15 going out hunting out into the ice, ocean ice. There are some
16 danger zones in there, and it cost me two of my machines last
17 year, and I couldn't help that. It's just too much. We were
18 lucky to get out of there. So the nature up here plays a big
19 role in danger, so it establishes that nature has it. It
20 doesn't tell you when it's going to come through. That's the
21 worst part of it.

22 But to -- I've been on the hydro from Demarcation
23 Point west. Know all of the area by depth past Colville River
24 all the way down to Pert Bay, with the coast in geodetic
25 surveys, taking all the soundings of the depths of water,

1 landmarks, which are now reordered. I didn't even find Cape
2 Halkett coming back not too long ago; it was gone. So nature
3 takes part in erosion. The big chunk of what really was
4 thriving one time is no more. It's gone. So ice and water can
5 take a big part in slashing off the beach.

6 And I found that by observing the movement of those
7 islands. Sun Islands, way out there, they move. They
8 recourse. They change dimensions in every way, and to look at
9 them, they seem to move, move on, just like our point is moving
10 on. It's visible, and that by observing it, you notice it.
11 These are some of the things I saw.

12 And to back up, three years now I've been fishing. I
13 subsistence hunt every year because there is no other way. I
14 have to take my catch while they are here on migration, and I
15 don't like nobody to tell me stop it, because they aren't going
16 to feed me for the 10 months of winter. I'm going to survive.

17 So this is where our subsistence is important. On migration,
18 we hunt whales, seals, waterfowl, whatever we can put together
19 and store them in the permafrost. Permafrost becomes our
20 storage. We freeze them and kept them there for all summer and
21 winter both; it keeps them frozen.

22 So we have learned how to survive. And this is what
23 goes on. And we did, went into moratorium on whaling. Yeah,
24 our nation put us to a stop of subsistence whaling at one time.

25 And I don't want you to make that promise, the same promise

1 they did. Will the price, putting you to a moratorium, no
2 whaling, and we'll supply you food in place of the whale. It
3 kind of put us in a very bad situation. It almost stopped us.

4 Your replacement for that moratorium of averaging about 10
5 whales, they gave me only 12 pounds of meat for the year.
6 That's a big promise. It's a size of a -- the whale, I guess,
7 is 12 pounds.

8 So this went on. A promise is a promise, and if you
9 cannot keep it, it's not worth mentioning. We have to go all
10 out in the National Whaling Commission to get (indiscernible)
11 and fight for our subsistence way of living. U.S. vote against
12 us, but the other nations open it up for us. I think this is
13 something we should all remember. I'm real proud of it. We
14 survived, and we now have quota style of whaling, and we're
15 happy with it today. We're not going to eat the last whale,
16 I'll bet you that, that much, because we conserve those whales.

17 They're our culture. So are all other migratory waterfowls
18 that would probably perish if a major oil spill ever occurred.

19 I don't want to talk about the oil spill because I've
20 been with the Navy exploration, and the more we go into it, the
21 more preventive equipment were completed, were manufactured,
22 and kind of put it to a foolproof, I thought. But looked like
23 there's some other method, the nature can come along and take
24 its own course. But I would like to mention that. I think you
25 people, as a committee, the industry, and us, through our

1 Alaska Eskimo Whaling Commission, has been established to
2 protect our culture. And they have been given that authority,
3 and I recognize them as such, even part of ICAS, which is our
4 tribal government, and IRA.

5 Thank you for being here, and again, I support this
6 paper.

7 HEARING OFFICER: Thank you, Arnold. We appreciate
8 your coming and testifying. Are there any questions for
9 Arnold? Would you be willing to answer some questions if there
10 are some?

11 MR. ARNOLD BROWER, SR.: I talk too much anyway.

12 (Laughter)

13 HEARING OFFICER: Is there anyone else who would like
14 to present testimony at this point? Cash Fay?

15 (Off record)

16 (Tape Change - Tape No. 4 of 4)

17 (On record)

18 PUBLIC TESTIMONY OF MR. CASH FAY

19 My name is Cash Fay, representing BP Exploration
20 Alaska, Incorporated. I'm the Permitting Advisor for the
21 Liberty Project. BP appreciates this opportunity to present
22 testimony on the Liberty Development and Production Plan and
23 the Draft Environmental Impact Statement.

24 The Draft EIS generally presents a thorough and
25 comprehensive analysis of the potential impacts of the Liberty

1 Project. BP commends the hard work and the presentation of the
2 Draft EIS by the Minerals Management Service, U.S. EPA, and the
3 Department of Army Corps of Engineers. We are particularly
4 pleased that the North Slope Borough has also participated with
5 the Minerals Management Service on the EIS, bringing the
6 important local perspectives to the process. In particular, we
7 commend the EIS on ensuring that traditional knowledge is
8 included throughout the document.

9 BP is confident the Liberty design of the gravel
10 island and subsea buried pipeline are appropriate engineering
11 technologies to develop, produce, and transport oil production
12 in this location in the Beaufort Sea. BP has incorporated
13 numerous environmental mitigation features in the project, as
14 detailed in the EIS, and we have made a concerted effort to
15 address local knowledge, information, and concerns obtained
16 through numerous meetings and workshops in the North Slope
17 Borough communities.

18 BP is aware of the issues and concerns some of your
19 members of the community have about the effects of the Liberty
20 development on subsistence use and is committed to enter into
21 conflict avoidance agreement with the Alaska Eskimo Whaling
22 Commission, in particular, to ensure mechanisms are in place to
23 avoid or minimize impacts to subsistence whaling activities in
24 the fall. We have entered similar agreements in each of the
25 past three years for our open-water seismic programs and the

1 Northstar Project.

2 BP would also like to draw attention to other
3 environmental mitigation features that demonstrate our
4 commitment to build a safe and environmentally sound project.
5 Examples include:

6 One, the minimization of the island footprint to a
7 surface area of approximately five acres.

8 Two, minimization of marine discharges through
9 disposal of waste streams, including drilling wastes, in
10 permitted injection wells.

11 And three, process design to minimize carbon dioxide
12 emissions and ensure that air emissions meet national ambient
13 air quality standards.

14 BP's proposal is an environmentally sound alternative
15 involving the shortest feasible pipeline route. The pipeline
16 is designed to protect it from ice gouging, strudel scour,
17 near-shore permafrost, and coastal erosion. BP's pipeline
18 design comprehensively addresses these design issues.

19 The Liberty Project will bring significant revenues
20 to the state and the North Slope Borough and will generate many
21 Alaskan jobs through Alaska hire and contracting. In the North
22 Slope Borough, BP has introduced a number of training and job
23 initiatives in these areas, such as:

24 One, the Ikinalvik (ph) Initiative. And I apologize
25 if I mispronounced that. These include six programs designed

1 to train and recruit North Slope residents for industry
2 employment or preparation for college curricula in the science
3 and engineering fields.

4 Two, a joint recruiting program with Arctic Slope
5 Regional Corporation.

6 And three, training and contracting programs for the
7 village response teams through Alaska Clean Seas, Elisivik (ph)
8 College, UIC, Kukpuk, and KIC.

9 Alliance partners in the Liberty Project include two
10 Arctic Slope Regional Corporation subsidiaries. They are
11 Houston Construction Company and Alaska Petroleum Contractors,
12 which are involved in the project construction.

13 Finally, we recognize that the North Slope Borough
14 has its own approval process through rezoning, which will
15 involve public comment and hearings on the Liberty Project. We
16 are committed to continue to discuss the project and address
17 issues and concerns of the North Slope communities.

18 In addition to this testimony, BP will be submitting
19 written detailed comments. And we thank you for the
20 opportunity to provide testimony.

21 HEARING OFFICER: Thank you. Would you be willing to
22 take any questions from the audience? Cash?

23 MR. FAY: Yes.

24 HEARING OFFICER: Yes, please, Vera.

25 MS. WILLIAMS: Have you -- or, I guess you heard

1 about the testimony about the swells or how dangerous it is in
2 that area?

3 MR. FAY: Strudel scours? Is that.....

4 MS. WILLIAMS: I mean, I've been in a boat where the
5 waves turn 30 feet high. You know, they (indiscernible)? The
6 waves get really big.

7 MR. FAY: Oh, the waves.

8 MS. WILLIAMS: What are you guys planning to do in
9 those kind of situations? Are you going to -- I mean, what is
10 your plan out there when that -- when a storm like that hits?

11 MR. FAY: The -- I'll let Dennis answer that
12 question.

13 MR. KOEHLER: I'll see what I can do with this one.
14 We did quite a bit of work (indiscernible - cough) through the
15 U.S. Coast Guard, who has the responsibility for making sure
16 you build a sound offshore structure, whether it's a platform
17 in the Gulf of Mexico or whether it's a manmade island in the
18 Arctic.

19 The end result is through what we call the certified
20 verification. It's already been tested in the wave tank at
21 the -- I think it's over at the State University of Corvallis,
22 with the Coast Guard, in conjunction with BP and a third party,
23 in evaluating the island design using the -- looking at the bag
24 configuration and the wave run of the area, take a look at how
25 stable the island design is in a high sea.

1 MS. WILLIAMS: Another thing. What Mr. Tukle
2 mentioned earlier about the ice being three feet inland?

3 MR. KOEHLER: The island, basically we would design
4 the island, once again, to act like, I guess, for lack of a
5 better way to present it, is a cement-coated beach. It's got a
6 cement blocks that are basically interlocked with chain along
7 the whole thing for slope protection. They come up and then
8 there's a flat area where they put in (indiscernible) runs
9 about 40 feet then like angles up again. And then the
10 engineering here allows a lot of the ice to move, then it
11 starts to ripple the ice and break back. So we had to design
12 the island in concrete for protection (indiscernible) rubble
13 pile around the island and pushing itself up into the island.

14 MS. WILLIAMS: I know sometimes we have very fierce
15 winds, really strong winds, I mean, 70- to 90-mile-an-hour
16 winds, and they come once every so many years. And how do you
17 guys test the winds? I mean.....

18 MR. KOEHLER: Well, your.....

19 MS. WILLIAMS:would your guys (indiscernible)?

20 MR. KOEHLER: In the design phases, we'll take a look
21 at that. We have a -- I think it's 100-mile-an-hour winds in
22 the design phases. We take a look at -- essentially, the
23 engineering guy looks at the surface area that's going to be
24 exposed, and then the structural design has to be designed to
25 be able to take those winds without damage.

1 HEARING OFFICER: Yes, sir.

2 MR. AHMAOGAK: As to the seismics, when you do
3 seismics, aren't you hurting the food that the whales eat out
4 there? Have you thought about that?

5 MR. FRANKLIN: To the best of my knowledge, this
6 project doesn't involve seismic.

7 MR. AHMAOGAK: Doing the seismic, I think it's going
8 to be real loud and hurts the garden, from what we eat.

9 MR. FRANKLIN: Correct. The -- this project, the
10 Liberty Project, we're not doing seismic activities.

11 MR. AHMAOGAK: You are living on the income for your
12 retirement life, but me and my children, what we eat out there
13 is our garden. Just I will not step on your potato garden or
14 carrot garden, but when you do seismic out there, you're
15 interrupting my garden. Just like yours back home. Also,
16 living a retirement life coming for you. I'm not asking for
17 retirement, just my garden out there.

18 HEARING OFFICER: Lawrence, can you give your name
19 for the record, please?

20 MR. AHMAOGAK: Lawrence Ahmaogak.

21 MR. KING: Thank you.

22 HEARING OFFICER: Thank you.

23 MR. AHMAOGAK: Retired active whaling captain.

24 HEARING OFFICER: Thank you.

25 MR. KING: We just wanted to get your name with your

1 comments.

2 MR. AHMAOGAK: Huh?

3 MR. KING: We needed your name for the court reporter
4 for the comments here, so we get the right name with the right
5 comments.

6 MR. AHMAOGAK: Yeah.

7 MR. GORDON BROWER: I got a question.

8 HEARING OFFICER: Yes, Gordon?

9 MR. GORDON BROWER: Yeah, Gordon Brower, for the
10 record, I guess. I got a question. You talked about
11 contracting opportunities. What about maintenance and general
12 operations of that island? You always -- there's always
13 provisions to provide contractor opportunities, and I've never
14 seen where it became a permanent situation for even for
15 operational modes on these things, where the benefit is a
16 yearly event.

17 Then the other question I wanted to ask was what kind
18 of environment is that Boulder Patch that's in there? I'm
19 pretty sure you've taken pictures underneath there, and there
20 is a Boulder Patch in that vicinity, a very unusual formation.

21 And with your observations, I don't know if it's something
22 that you can answer, but what is in that Boulder Patch?

23 MR. FRANKLIN: Gordon, actually, why don't you let me
24 answer the questions, both of them. As far as.....

25 HEARING OFFICER: State your name.

1 MR. FRANKLIN: Luke Franklin. I'm sorry.

2 HEARING OFFICER: Thank you.

3 MR. FRANKLIN: Gordon, as far as contract, Arctic
4 Slope Regional Corporation does do maintenance contracts for a
5 couple of fields on the Slope. And as you know, Northstar has
6 utilized (indiscernible - cough) Corporation to run camps,
7 provide our medical facilities. So BP, you know, routinely
8 hires Native-owned corporations to facilitate and help out with
9 the running of our facilities.

10 And then as far as the Boulder Patch, it is addressed
11 in the EIS, and the effects of that -- of our project on that
12 has to be evaluated in the EIS.

13 HEARING OFFICER: The one thing on that Boulder
14 Patch, I think the reason it's significant is that boulders
15 provide a fast hold for kelp that can form on a boulder that
16 can't form on just sediments. So it provides a biological --
17 the beginning of a biological community by its existence.

18 MR. GORDON BROWER: I just wanted to find out what
19 was the significance if there were more marine mammals in and
20 around those areas in Boulder Patch. Is there the presence of
21 a marine environment that's taking hold on these that would
22 provide more opportunities for seals and stuff like that to
23 feed and be around those areas, I would think.

24 HEARING OFFICER: I believe that's correct, but I
25 will have to defer a reliable answer until we talk to some of

1 our biologists on that and provide that answer in our FEIS, in
2 our Final Environmental Impact Statement about the significance
3 of the boulder community -- I mean, of the Boulder Patch for
4 the biological community.

5 MR. GORDON BROWER: And one other thing was, is there
6 any other comparable kind of situation like that on the North
7 Slope? Is the Boulder Patch unique in itself and there's no
8 other place like that?

9 HEARING OFFICER: I believe there are other areas
10 that there are boulders, as I recall.

11 MR. KING: I think there are some other areas. I
12 don't think there's been any other areas identified nearly that
13 size. Am I correct?

14 MR. ROCKWELL: That's right. Yeah.

15 MR. KING: There are some other areas that have
16 boulders, so it's not totally single, but there hasn't been
17 another area that's had that concentration of boulders and that
18 big an area. So it is one of the things we look at and try to
19 identify in the EIS as a special area and what the effects
20 could be.

21 MR. ROCKWELL: This is Ted Rockwell with EPA. And
22 one of the other problems, Gordon, is that nobody's ever looked
23 for boulder patches elsewhere. So wherever they've been
24 discovered, it's been happenstance. And the biological
25 community that's found there is unique to that habitat, and

1 there doesn't seem to be -- at least in any of the work that
2 I've seen, there doesn't seem to be a correlation with any
3 marine mammals with it. But there is -- the bottom, the
4 benthic organisms certainly are unique to that area.

5 HEARING OFFICER: Yes.

6 MR. WILLIAMS: Yeah, Waska Williams, for the record.

7 I don't think nobody touched on the life span of the pipeline.

8 I know there's been some recent oil spills in the Prudhoe
9 section, and I don't think anybody's come up with the life
10 expectancy of a pipeline, you know, active pipeline.

11 HEARING OFFICER: Such as the Liberty pipeline. Is
12 that what you're referring to?

13 MR. WILLIAMS: Right. I mean, you know, there -- in
14 the Prudhoe area, there have been some oil spills.

15 HEARING OFFICER: Yes.

16 MR. WILLIAMS: And I have not heard a report coming
17 out, you know, on the life span of that pipeline that ruptured
18 or did an oil spill. And, you know, I think it would be a good
19 answer for maybe on a report or some sort of -- you know, on
20 the EIS or on the C Plan or whatever, you know, the life
21 expectancy of a pipeline.

22 HEARING OFFICER: Luke, do you have any -- I think,
23 in a nutshell, we're talking about a lot of different kinds of
24 pipelines. And probably each kind has its own expected life
25 span. But do you have any information on the Liberty?

1 MR. FRANKLIN: Each facility is currently designed,
2 you know, with specific parameters in mind, as Liberty. You
3 know, it was a 15-year reserve and a 20-year design. All
4 pipelines, or all facilities, will have something similar that
5 they put into the design of it. But then if you're looking at
6 Prudhoe, though, then there are sections that are replaced over
7 time. So it's hard to say exactly. I don't know, to answer
8 your question. I don't know what it was designed to initially,
9 but I'm sure we could find that information.....

10 MS. AHMAOGAK: I would have one.....

11 MR. FRANKLIN:on Liberty's (indiscernible)
12 design.

13 MS. AHMAOGAK:question for.....

14 MR. FRANKLIN: I'm sorry?

15 MS. AHMAOGAK:him. Is BP's -- can BP state
16 what pipeline their preference is? Is it the double-wall or
17 the pipe-in-pipe?

18 MR. FRANKLIN: Our project design has a single-wall
19 pipe.

20 MS. AHMAOGAK: You know, that was one of our
21 discussions with the person up -- the Barrow whaling captains
22 and our AEWC Commission for Barrow. And I think the Mayor also
23 is concerned about the single-wall, and that the less risk for
24 an oil spill was through their discussions that they would
25 prefer the pipe-in-pipe because it had like a container. If

1 that inside wall -- inside pipe got ruptured, the oil would be
2 contained by the outside pipe.

3 But, you know, that was something that I guess we all
4 needed to understand about even a single wall would be more
5 vulnerable to the ice gouging and the strudel, or even buckling
6 up. If it buckles up with temperature variances where it was
7 seated on permafrost, and the buckling up on that were -- it
8 would become a failure or a damaged pipeline would occur much
9 more so if a single-wall pipe was used.

10 MR. FRANKLIN: Actually, I don't know if the
11 engineering proves out with what you just said. Strudel
12 scour.....

13 MS. AHMAOGAK: If you have some of the statistics
14 over that, over the usage of a single-wall versus the pipe-in-
15 pipe, even though it's more costly, but it would reduce that
16 risk of the oil spill because of the containment through the
17 outer -- or the double pipe.

18 MR. FRANKLIN: Yeah, I don't want to avoid your
19 question, if you wanted me to answer it, but that's something
20 that also has to be evaluated in the EIS. You know, we need
21 to.....

22 MS. AHMAOGAK: I guess what I'm trying to say, that
23 this is what the whaling captains would prefer at this point,
24 after understanding what each has a potential for. And maybe
25 that should -- maybe having said that, maybe that will be

1 addressed in our additional comments, too, for consideration by
2 MMS.

3 HEARING OFFICER: The only thing I urge people to do
4 is to read those sections of the EIS carefully. They're quite
5 extensive.....

6 MS. AHMAOGAK: Yeah.

7 HEARING OFFICER:on pipelines, and I think it's
8 important because there are a variety of issues and they're
9 somewhat complicated. And there -- as I said, there are trade-
10 offs on each one pipeline versus the other. Yes. Please,
11 Vera.

12 MS. WILLIAMS: I have a question about what you guys
13 were talking about, those boulders?

14 HEARING OFFICER: Yes.

15 MS. WILLIAMS: Is that what they call them?

16 HEARING OFFICER: Yes.

17 MS. WILLIAMS: The patch or something?

18 HEARING OFFICER: Yes.

19 MS. WILLIAMS: Which depth is it? Is it a shallow or
20 a deep depth?

21 HEARING OFFICER: You know, Vera, it's on that map
22 over there, and I think you can see both the depths and the
23 concentrations. That map shows.....

24 MS. WILLIAMS: Are they going to be on your path for
25 your pipe? Are you going to take the boulders out?

1 MR. KING: No.

2 HEARING OFFICER: The -- it turns out that part of
3 the reason for doing the surveys were to make sure that you're
4 not running a pipe right through the middle of the Boulder
5 Patch. And I think if you'll see on that map, that the
6 proposed pipeline doesn't run through a concentrated area of
7 boulders.

8 MS. WILLIAMS: I guess I didn't understand when you
9 told me something, when I was by the map, I didn't understand
10 what it was you were talking about.

11 MR. KING: We can.....

12 HEARING OFFICER: I can.....

13 MR. KING: I can get together with you after we get
14 through and.....

15 HEARING OFFICER: And show you how to see that.

16 MS. WILLIAMS: I thought you were talking about a oil
17 patch or something.

18 HEARING OFFICER: Yeah. I know. It's.....

19 MR. KING: But we have lots of jargon at these
20 meetings.

21 HEARING OFFICER: Right. Yes. Any -- are there any
22 other questions? Yes, sir. Yes, Arnold.

23 MR. ARNOLD BROWER, SR.: I want to come back on
24 record to support what I went through on fish.

25 HEARING OFFICER: Could you sit up here? We'd

1 appreciate that. Thank you.

2 MR. ARNOLD BROWER, SR.: Yeah, I went rushing off too
3 fast here.

4 FURTHER PUBLIC TESTIMONY OF MR. ARNOLD BROWER, SR.

5 I mentioned it, but I didn't bring it up. I'm also a
6 fisherman here up north. I fish a lot. And I take observation
7 on fish, especially those that I like. Three years ago, the
8 cisco fish, that same fish that I caught up around Prudhoe and
9 east, had been.....

10 HEARING OFFICER: May I ask, is this the arctic
11 cisco?

12 MR. ARNOLD BROWER, SR.: Arctic cisco.

13 MS. WILLIAMS: Arctic cisco.

14 MR. ARNOLD BROWER, SR.: Yes.

15 MS. WILLIAMS: Arctic cisco.

16 HEARING OFFICER: Arctic cisco.

17 MR. ARNOLD BROWER, SR.: Called kakta (ph) in
18 our.....

19 HEARING OFFICER: Okay.

20 MR. ARNOLD BROWER, SR.: Yeah, kakta (ph) in our
21 language.

22 HEARING OFFICER: Arctic cisco. Yes.

23 BY MR. ARNOLD BROWER, SR. (Resuming):

24 It's a choice fish, and I fished for it around their
25 spawning time, in fall, like around -- in fact, I fish for it

1 all year around if I can. But it has diminished, and three
2 years ago, it declined, and very few were caught around the
3 delta area of Kurupa River and around western coast of Dease
4 Inlet. And they seemed to go in for spawning for a short time,
5 years back.

6 Now, second year, I didn't catch any, second year.
7 And this year, I didn't catch anything. They didn't
8 materialize. They didn't come back. And I've been reluctant
9 to keep that up, trying to catch those fish. Now, it's become
10 a questionable thing. Why?

11 HEARING OFFICER: I don't know the answer, sir.

12 MR. ARNOLD BROWER, SR.: Yeah, I mean, this is the
13 same fish that migrates from up around that area, comes and
14 hitting a portion of our area each year.

15 HEARING OFFICER: I recall.....

16 MR. ARNOLD BROWER, SR.: I kind of suspect that they
17 may be requashed (sic) somehow.

18 HEARING OFFICER: Uh-huh (affirmative).

19 MR. ARNOLD BROWER, SR.: It's the same cisco fish
20 that Ahkiviana is talking about.

21 HEARING OFFICER: Yes.

22 MR. ARNOLD BROWER, SR.: Yeah.

23 HEARING OFFICER: I know that about two years ago,
24 this issue, at least I first became aware of it, and
25 increasingly so, and I appreciate your -- what you've said.....

1 MR. ARNOLD BROWER, SR.: Yeah, I.....

2 HEARING OFFICER:to add to that information.

3 MR. ARNOLD BROWER, SR.: I reproduce some fish, but
4 this, I never did have any experience in capturing it to do
5 that. They don't come around very often. You have to catch
6 them when they come through there.

7 HEARING OFFICER: Thank you.

8 MR. ARNOLD BROWER, SR.: That's the only record --
9 recording I wanted on cisco fish in support of Ahkiviana's
10 statement.

11 HEARING OFFICER: Okay.

12 MR. ARNOLD BROWER, SR.: Because that's -- it's been,
13 from my observation, for three years. In the past, there used
14 to be plenty.

15 HEARING OFFICER: Plenty of them.

16 MR. ARNOLD BROWER, SR.: Yeah.

17 HEARING OFFICER: Okay. Thank you, sir. Thank you,
18 Arnold. Anyone else who would like to make a statement?

19 MR. BRIGHT: Paul, actually, I -- this is Larry
20 Bright, Fish and Wildlife Service again. And just to follow up
21 on something, I have a question for BP. The issue of double-
22 walled pipe has come up a couple of times, and some of the
23 studies have been referenced, and I think the independent
24 studies are the studies they're referencing. And of the
25 independent pipeline studies that have been concluded, the ones

1 that actually looked at spill probabilities and risks
2 associated with pipeline designs, two -- those two studies both
3 concluded that double-walled pipe, steel double-walled pipe,
4 had at least nine times less risk of a large oil spill than a
5 single-walled pipe.

6 Now, the U.S. Fish and Wildlife Service has requested
7 BP to -- well, actually, it has recognized the fact that the
8 double-walled pipes that have been designed not -- well, we'll
9 called it designed -- designed and evaluated thus far are
10 conceptual in nature. And they -- but we also recognize
11 they're conceptual and they need more work, they need more
12 design work, and we've requested BP to move forward on pipe-in-
13 pipe because it does look promising in terms of risk and to do
14 some more design work on double-walled pipe.

15 So my question is -- kind of long-winded -- but my
16 question is: We haven't gotten an answer back on that, and is
17 BP planning on waiting for a final answer before they do any
18 further design work on double-walled pipe? And if that's the
19 case, how long will that delay the project? Will that delay
20 the project? I know we've heard that it will. Again, part of
21 the reason why I say, 'Why wait? Why don't we get started on
22 it.' So my question to you is, Is that BP's intention, is to
23 wait?

24 MR. FRANKLIN: Well, BP will respond back to DOI as
25 the letter came from them. But I guess to answer your question

1 simply is we will -- we prefer to let the NEPA process work its
2 way through, let it evaluate our project, which is what the
3 NEPA was intended to do. We will respond in our written
4 comments to pipe-in-pipe versus single-wall pipe. And there
5 will be -- if in fact the pipe-in-pipe comes out to be the
6 preferred alternative, BP will then have to look at that and
7 decide at that point what to do with the Liberty Project.

8 MR. BRIGHT: But so there's no intention to do any
9 further design work on double-walled pipe.....

10 MR. FRANKLIN: At this point.

11 MR. BRIGHT:until after the Final EIS,
12 essentially.

13 MR. FRANKLIN: At this point.

14 MR. BRIGHT: Mm hmm (affirmative).

15 HEARING OFFICER: Okay.

16 MS. AHMAOGAK: Was that going to be making a
17 difference if that was what MMS decided or was the ultimate
18 mandate for BP to use that pipe-in-pipe? Was that going to
19 change how Liberty would be constructed?

20 MR. FRANKLIN: No, as I said, if that becomes the
21 preferred alternative, BP will need to look at that project,
22 look at the project and the design -- the new design that comes
23 up as the preferred alternative.

24 MR. BRIGHT: Do you think that will delay the project
25 if that occurs?

1 MR. FRANKLIN: It takes time for the engineering, and
2 the State would have to (indiscernible) the permitting process
3 for the new pipeline, yeah.

4 HEARING OFFICER: Okay. Are there other questions,
5 any comments, observations anyone would like to make? New
6 testimony or additional testimony?

7 (No audible response)

8 HEARING OFFICER: Well, I want to thank you very much
9 for.....

10 MR. KING: Appreciate your staying on.

11 HEARING OFFICER:your stamina in staying
12 through this hearing and participating in it. And we certainly
13 appreciate your thoughtful and candid viewpoints. And thank
14 you for staying to tomorrow morning -- it's already tomorrow
15 morning. Thank you.

16 MS. WILLIAMS: Thank you for staying two days.

17 HEARING OFFICER: Yes.

18 (Laughter)

19 HEARING OFFICER: Yes, two days.

20 (Laughter)

21 (Whereupon, the proceedings were adjourned at 12:30 a.m.)
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